HOUSE OF ASSEMBLY

Thursday 6 December 1984

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

EQUAL OPPORTUNITY BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I move:

That Standing Orders be so far suspended as to enable the sitting of the House to continue during the conference of both Houses on the Bill.

Motion carried.

PETITION: ANTI DISCRIMINATION BILL

A petition signed by 45 residents of South Australia praying that the House delete the words 'sexuality, marital status and pregnancy' from the Anti Discrimination Bill, 1984, and provide for the recognition of the primacy of marriage and parenthood was presented by the Hon. P.B. Arnold.

Petition received.

PETITION: WEST BEACH GOLF COURSE

A petition signed by 371 residents of South Australia praying that the House urge the Government to oppose the closure of the existing Marineland Par 3 golf course, West Beach, until a new course is completed was presented by Mr Becker.

Petition received.

PETITION: CERTIFICATE COURSES

A petition signed by 99 residents of South Australia praying that the House protest at the reduction of certificate courses at TAFE colleges was presented by Mr Klunder.

Petition received.

PETITION: EDITHBURGH POLICE STATION

A petition signed by 510 residents of South Australia praying that the House urge the Government to reject any proposal to downgrade or close the Edithburgh Police Station was presented by Mr Meier.

Petition received.

PETITION: OPEN SPEED LIMIT

A petition signed by 108 residents of South Australia praying that the House reject any proposal to reduce the open speed limit from 110 km/h to 100 km/h was presented by Mr Meier.

Petition received.

PETITION: COORONG BEACH

A petition signed by 749 residents of South Australia praying that the House urge the Government to ensure that the entire Coorong beach remains open to vehicles and public and that all tracks are maintained in good order was presented by Mr Lewis.

Petition received.

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, 1983-84—(Ordered to be printed Paper No. 17).

By the Hon. D.J. Hopgood, for the Minister of Emergency Services (Hon. J.D. Wright):

Pursuant to Statute—

Police Pensions Fund—Report, 1983-84.

South Australian Metropolitan Fire Service Superannuation Fund Report to Members, 1983-84.

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

Pursuant to Statute—

Planning Act, 1982—

Crown Development Reports by S.A. Planning Commission on proposed—

Transportable Classroom, Flinders View Primary School.

Child Care Centre, Diagonal Road, Sturt.

By the Minister of Transport (Hon. R.K. Abbott):

Pursuant to Statute—

Road Traffic Act, 1961—Random Breath Testing—Report of Commissioner of Police.

By the Minister of Education (Hon. Lynn Arnold):

Pursuant to Statute—

Fisheries, Department of—Report, 1983-84—(Ordered to be printed Paper No. 39).

Technical and Further Education, Director-General of—Report, 1983—(Ordered to be printed Paper No. 103).

South Australian Institute of Technology—Summary of Reports, 1979-82.

By the Minister for Technology (Hon. Lynn Arnold):

By Command—

State Transport Authority—New Ticketing System Assessment by the Ministry of Technology.

South Australian Council on Technological Change—Technological Aids for the Handicapped.

By the Minister of Tourism (Hon. G.F. Keneally):

Pursuant to Statute—

South Australian Health Commission—Report, 1983-84—(Ordered to be printed Paper No. 121).

By the Minister of Local Government (Hon. G.F. Keneally):

Pursuant to Statute—

South Australian Local Government Grants Commission—Report, 1984—(Ordered to be printed Paper No. 106).

By the Minister of Mines and Energy (Hon. R.G. Payne):

Pursuant to Statute—

Mines and Energy, Department of—Report, 1983-84—(Ordered to be printed Paper No. 26).

MINISTERIAL STATEMENT: RECREATION AND SPORT REPORT

The Hon. J.W. SLATER (Minister of Recreation and Sport): I seek leave to make a statement.

Leave granted.

The Hon. J.W. SLATER: I am happy to present the first annual report of the Department of Recreation and Sport, which I am sure will be of great interest to all members. The year 1983-84 was the first full year of the operation of the Department, which was created in fulfilment of an election promise of this Government. In that year (and since) major work has been done to structure the organi-

sation, objectives, functions, and staffing of the Department in such a way as to give maximum effect to the Government's intentions. This report, entitled 'Improving the State of Recreation and Sport', goes further than just reporting on the Department's activities for 1983-84. It describes much of the restructuring work that has been done and is continuing to be done. Further, it outlines some of the exciting projects which are being proposed. Some of these have already advanced significantly in just the time needed to produce this report. Some new staffing appointments have recently been announced, and the Department is now poised to give full effect to the Government's new policies and plans for the development of recreation and sport in South Australia. I commend this document to members, and I will supply each member with a copy soon.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions, as detailed in the schedule that I now table, and a reply to a question asked in Estimates Committee A, be distributed and printed in *Hansard.*

SOIL TESTS

In reply to **Mr MAYES** (13 November).

The Hon. G.F. KENEALLY: Further to the information I gave the House concerning soil tests, I now submit the following information for members. The Government's Building Advisory Committee recently decided that the ways and means of overcoming problems stemming from footing failure litigation and increased cost should be addressed by a building industry Government working party. The following organisations have been asked to nominate a representative to the working party.:

The Institution of Engineers, Australia
The Royal Australian Institute of Architects
The Australian Institute of Building Surveyors
The Association of Consulting Engineers, Australia
The Master Builders Association of South Australia
The Housing Industry Association
The Local Government Association
The South Australian Housing Trust
The South Australian Institute of Technology
The University of Adelaide
Public Buildings Department
Attorney-General's Department

The Chairman is Dr David Brooks, a member of the Building Advisory Committee. The working party is expected to begin its work as soon as nominations have been received from the organisations. The Building Advisory Committee considers the project a matter of urgency, and for this purpose has authorised Dr Brooks to co-opt or liaise with any other person or organisation that can provide information related to the terms of reference.

In simple terms the working party will try to develop a means of home footing design that could legally satisfy the building regulations for specific soil types. Already several organisations have submitted information for consideration by the working party, one of which was a substantial document from the Housing Industry Association. The task will not be short term, however the working party will report progressively on any issue that can be immediately resolved.

STRAY DOGS

In reply to **Mr HAMILTON** (30 August).

The Hon. D.J. HOPGOOD: Apart from the offence of a dog wandering at large, it is an offence under section 39 of the Dog Control Act for a dog to be in a school without its owner having the permission of the school principal. The Dog Advisory Committee is concerned about problems with dogs in schools, and is recommending to the Minister of Local Government that the Act be amended to allow dogs in schools only for shows, obedience training, etc.

However, the problem highlighted by Mr Hamilton, M.P., was more related to the question of councils providing after hours service. Councils are often reluctant to provide this service because of the additional expenditure to ratepayers, and the inconvenience to staff who could be called out at all hours. Some dog control officers patrol occasionally after hours, and it has been found that early morning patrols often net a number of dogs. However, the question of after hours service is really a matter for ratepayers to take up with their councils.

CONSULTANCY SERVICES

(Estimates Committee A)

In reply to **Hon. JENNIFER ADAMSON** (28 September).

The Hon. G.F. KENEALLY: The details are as follows:

DEPARTMENT OF TOURISM: Expenditure on private sector consultancy services 1983-84:

	$
Brian Sweeney & Associates Pty Ltd	14 900
Touche Ross Services Pty Ltd	15 000
Peter Gardner and Associates	1 650
Urban and Environmental Planning Group	2 000
Francis Kerr Marketing	18 427
Eric White and Associates	12 965
Moonta Bay Caravan Park	10 500
Normanville Caravan Park Consultancy	26 000
Port Augusta Visitor Centre	4 810
Lady Nelson Park Consultancy	1 059
Porter Bay Land Assessment	500
Glen Osmond Information Bay	200
	$108 011

Estimated Private Consultancy Expenditure, 1984-85:

Administration Division:	
Computer Study	25 000
Marketing Division:	
Intrastate	12 000
Interstate	45 600
Overseas	38 500
	$96 100
Planning and Research Division:	
Flinders Ranges	16 500
DTM contribution	19 500
Market Research	3 500
	$39 500
Developmental and Regional Liaison Division:	
No. 19 Beacon Ramp Study	2 600
Porter Bay	3 675
Lake Bonney Study	5 000
Tourist Information Centres	500
A.I.U.S. Foreign Investment Study	2 000
Whalers Way	1 500
Flinders Ranges	15 000
	$30 275
Estimated Total	$190 875

MINISTERIAL STATEMENT: STATE AQUATIC CENTRE

The Hon. T.H. HEMMINGS (Minister of Public Works): I seek leave to make a statement.

Leave granted.

The Hon. T.H. HEMMINGS: In this House yesterday, the Leader of the Opposition made some ill-informed comments, stating that increases in the cost of the State Aquatic Centre had resulted from the Public Buildings Department's design of the project specifying much more steel than was necessary. In fact, the Leader went on to say that the framework contained enough steel to support a 10-storey building, and that, instead of an aquatic centre, we were getting an engineering dynosaur. The Premier later indicated that the engineering design for the aquatic centre was carried out by Lange, Dames and Campbell Australia Pty Ltd, a very well respected firm of consulting engineers in Adelaide. I have received this morning a letter from Lange, Dames and Campbell Australia Pty Ltd, and I quote from it, as follows:

> I wish to express the deep concern of the Directors and staff of our company with respect to the report published by the *Advertiser* regarding the construction costs of the new State Aquatic Centre. The article is not only damning to the Public Buildings Department, it clearly implies professional negligence on our part, in that the cause of the increase in costs of the centre has been primarily associated with excessive steel being used in the building frame. The roof area covered by the frame is some 9 700 square metres, which would almost cover an entire football field.
>
> I wish to assure you that the design was prepared and checked by highly qualified and highly experienced structural engineers, and that the building framework is in accordance with the most modern design techniques and building standards. It contains neither more nor less steel than is necessary to cover the area both safely and cost effectively.
>
> As you will appreciate, the statements made in the House by Mr Olsen as reported in the press could severely damage our professional credibility and therefore the future of our company, and any assistance which you could give which would correct the ill-conceived rumours and reporting would be greatly appreciated.

In view of the fact that the Leader has very obviously got his facts wrong, I call upon him to withdraw these accusations and correct the damage he has done to the professional credibility of this company and of the Public Buildings Department.

HILLCREST SECURITY HOSPITAL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Hillcrest Security Hospital.

Ordered that the report be printed.

PUBLIC ACCOUNTS COMMITTEE REPORT

Mr KLUNDER brought up the thirty-seventh report of the Public Accounts Committee, being the Annual Report for 1984.

Ordered that report be printed.

QUESTION TIME

ASER PROJECT

Mr OLSEN: Can the Premier say whether the six month delay in starting major construction work on the ASER project has caused any further escalation in the estimated completion cost of the project and, if so, is the Government seeking a renegotiation of the financial aspects of that agreement? A report in this morning's *Advertiser* indicates that work on the ASER project is likely to begin by the end of this month. This will be almost six months later than the schedule contained in the agreement the Premier signed in October last year and for which the Opposition facilitated the subsequent passage of legislation through this place.

It was clearly indicated that the economics of the project are finally balanced. In a submission to the Joint Committee on Subordinate Legislation, the Chairman of the ASER Project Co-ordinating Committee, Mr Inns, said:

> It is a finely integrated combination of facilities, and it is probably not too much of an exaggeration to say that the removal or major alteration to one of its components would seriously damage the economics of the whole project.

On the basis of that comment about the economics of the project and the six months delay in starting construction, I seek information from the Premier on the latest estimated cost of that project.

The Hon. J.C. BANNON: As it happens, I was talking to Mr Inns this morning about this precise matter. The most recent delay of some weeks has been occasioned, as honourable members will know, by action taken in another place to move disallowance of the ASER regulations that were tabled. In fact, while talk of that and while in fact such a motion was on the table, the consortium was not prepared to put out to tender a number of tenders for which documents have already been prepared.

That has occasioned quite serious and concerning delay because, until that point, although construction as such had not commenced precisely on 1 July, that was never of the essence of the contract, as I have explained previously. The fact is that we have reached the stage where preparatory work, soil testing, certain excavation, relocation of rails, and so on, had all been done. We are ready to see the bulldozers move on to the site and then (quite properly, I suppose, in commercial terms) we are confronted with a situation where the consortium felt that it was not be able to do anything further on the project until that matter was disposed of.

In fact, I understand that it was disposed of yesterday and disposed of comprehensively, and the reason for my discussion this morning with Mr Inns was to get an update. Meetings were held yesterday with the project managers and others with a view to commencing the work and calling those tenders within the next few days. Mr Inns indicated that there would be some cost increase as a result of that delay, but it has not been quantified. At this stage of the project, of course, there is also the possibility of effecting economies and changes in the schedule of the works. In other words, we would hope that it could be possible to speed up certain aspects of documentation and other construction on the project.

Time has not been lost in the sense that a lot of advanced documentation has gone on. It would have been better for it to be going on at the same time as the actual work was commencing. Nonetheless, it is ready, so there is no cause for major concern. There was, until yesterday's action in the Legislative Council, but there is no cause for major concern. I am not able to detail precisely what cost escalation there is at this stage: that is being assessed, but Mr Inns advises that it is not significant and it does not affect the economics of the project.

The SPEAKER: Before calling the next question, I am advised that questions that would have been directed to the Minister of Education should be directed to the Minister for Environment and Planning.

HOME ASSISTANCE SCHEME

Ms LENEHAN: Will the Minister representing the Minister of Labour investigate the feasibility of further modifying the guidelines for councils' participation in the HOME Assistance Scheme? The background to this question is that I have recently received a letter from the Noarlunga Council in which the Town Clerk states:

> At its recent meeting the council again considered the HOME Assistance Scheme in which it has been encouraged to participate.

And I would like to say that I am one of the members of the community who has encouraged the council to participate in the scheme. The letter further states:

> In preparing an application for a grant under the provision of the scheme, the council's role in it became apparent. Based on previous experience in similar schemes, it was estimated that the labour content would be $11 041, whilst the material content could be as high as $35 000. As none of the material content is covered from the grant, and may not be recovered from the recipient as a condition of any work, the council's contribution could be as high as three times that of the scheme. In view of the unexpected and disproportionate contribution expected from the council, it has resolved not to participate in the scheme at this time.
>
> If the scheme is modified to reduce the likely council burden, the council would be prepared to review its position not to participate. I am advising you of the council's decision as you have shown considerable interest in this scheme.

I am aware that the southern councils have made representations to the Minister to have the original guidelines altered so that they could participate in the scheme on a more financially equitable basis. The guidelines, indeed, have been altered, but, as the correspondence from the Noarlunga Council would indicate, the guidelines are either too restrictive or are not being correctly interpreted.

It has been suggested that some councils have not interpreted the guidelines within their broad context. For example, the scheme is designed to not only cover projects involving a major component of capital expenditure, such as re-roofing or fence replacement, but projects such as garden maintenance, minor home repairs and the provision of respite care for a range of community needs. It is within this context that I ask my question.

The Hon. T.H. HEMMINGS: I am aware of the honourable member's keen interest in the HOME Assistance Scheme and share a concern that the guidelines should be modified to cater for the needs that the honourable member has talked about. I will obtain an urgent report from my colleague the Minister of Labour and make it available to the honourable member as soon as possible.

URANIUM MINING

The Hon. E.R. GOLDSWORTHY: Does the Minister of Mines and Energy intend to use his influence within the councils of the Australian Labor Party to revise its incomprehensible uranium policy, which is particularly detrimental to South Australia's mining development? The report of the Department of Mines and Energy which was tabled today indicates that there has been a very significant down-turn in mineral exploration in South Australia. At page 22, under 'Mineral Exploration', the report states:

> Mineral exploration was carried out by 63 companies but at a level significantly below that of last year. Exploration activity measured in terms of expenditure, drilling operations and the number of exploration licences held during 1983 and the previous decade are shown in the graphs.

The graphs in terms of expenditure, drilling and in all detail indicate a very significant decline indeed. In fact, the decline has been from $51 million per year—at its peak during the term of the previous Liberal Government—to by now a decline to $34 million.

The Minister no doubt will recall that the Chamber of Mines stated publicly that, as a result of the Labor Party's uranium policy which allowed probably the largest uranium mine in the world to go ahead but no others, the Government closed down the Beverley and Honeymoon uranium mines (Honeymoon having received all environmental clearances). Because of the closing down of that mine, the Chamber of Mines confidently predicted that there would be a down-turn generally in mineral exploration in South Australia, and, as confidently predicted, that has now come to pass. As a result of his speaking out, the then President of the Chamber of Mines (Mr Bernie Leverington), I am told, was sacked from the Board of the Electricity Trust by the present Minister for being forthright.

The Hon. R.G. Payne interjecting:

The Hon. E.R. GOLDSWORTHY: Well, that is what happened.

The SPEAKER: Order! I hope the honourable member will come back to the topic.

The Hon. E.R. GOLDSWORTHY: He was replaced by the Hon. Geoffrey Virgo, one of the Labor Party's retired members.

The SPEAKER: Order! I hope that the honourable member is coming back to the question.

The Hon. E.R. GOLDSWORTHY: I make the point that the then President of the Chamber of Mines (then also a member of the Board of the Electricity Trust, since sacked) and the Chamber Executive stated categorically and without qualification that there would be a down-turn in mineral exploration in South Australia because of the Labor Party's closure of those two significant mines.

I ask the Minister, now that that prediction has come to pass, as indicated in the report of the Mines Department tabled today, whether he will use his best offices within the councils of the Labor Party to have this incomprehensible and immoral policy changed so that South Australia can fulfil its full potential in relation to mineral exploration and mineral development.

The Hon. R.G. PAYNE: I suppose the first point that needs to be made is that the ALP's policy on uranium is neither incomprehensible nor immoral, and was arrived at—

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: Already members opposite are shifting ground: they are trying to find other words. Having had the two words referred to disposed of so easily they are now shifting ground.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: Mr Speaker, you, Sir, have been in this place as long as I have, and I know that in the past you would probably have observed that the Deputy Leader of the Opposition, in referring to a report, a publication, or notes, is very selective about that which he quotes, and, of course, he chose page 22 of the report. Perhaps one could argue that it is a funny way to start a book at page 22. It might be far more reasonable to start at page 5, and had the Deputy Leader done so he would have been able to quote the following:

> The value of mineral production in South Australia in 1983 totalled $540 million.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I ask the honourable Deputy Leader to refrain from interjecting.

Mr Ashenden interjecting:

The Hon. R.G. PAYNE: The member for Todd always begins to squirm on behalf of the Deputy Leader—there seems to be some unholy alliance there somewhere. The new level of output, as has rightly been referred to, in large

measure is due to the ongoing progress of the overall gas and oil scene in South Australia.

The Hon. E.R. Goldsworthy interjecting:

The Hon. R.G. PAYNE: Apparently everything in relation to Santos, Moomba and all those other developments now associated with Stony Point happened in the 2½ to three years of the previous Liberal Government. The producers themselves would be the first to say that it was due to the earlier Governments, rather than the previous Liberal Government, that they were still in business and were able, also through the efforts of the previous Labor Administration, to arrive at a position in the oil and gas scene in South Australia—admittedly, assisted by the Liberal Government in its three year term—where the company is now probably the ninth largest company in Australia today. So, let us not have any more of that selective nonsense from members opposite.

Mineral exploration that has occurred is referred to on page 7. I understand that some honourable members are not sure of the magnitude of the increase in production, and I remind them that it is an amount that is 77 per cent higher than that of the previous record established in 1982. So, on the parameters used by the Deputy Leader, since the Labor Party was in Government in 1983 we can claim credit for that—which is what the Deputy Leader is trying to do in respect of the period of the previous Government's Administration. Clearly, that is a nonsense, and I will not attempt to take up that absurd position. But I am trying to point out that there is a very active and high level production scene operating in relation to minerals in South Australia at present.

A chart is provided on page 7 of the report, and even if the Deputy Leader has difficulty reading I should think that he should be able to follow a fairly simple chart which most people could follow at a glance. Had the Deputy Leader looked at the chart he would have observed that during 1983-84, under the Labor Administration, for the first time receipts in relation to the Department of Mines and Energy exceeded outgoings. I think that is a reasonably decent performance to be able to point to: we are actually making a quid. The Deputy Leader ought not be so selective on these matters. Turning to page 40, we find another statement that the Deputy Leader could have used. On pages 40 and 41 there are a number of headings, all of which refer to the improved production from mineral exploration which preceded it and which has now come into practice as an operation.

Clearly the Deputy Leader did not want to refer to that page, either. I want to refer to another area of this report. In his remarks, the Director-General pointed to the fact that it is the economic scene and the economic down-turn over the past two or three years which have been mirrored in every State in a down-turn in mineral exploration, not only in South Australia. It is fair to say that there has been an effect in this area in relation to uranium in South Australia.

I recall at the beginning of the question that the honourable member asked me to use my influence and he subsequently changed that to good offices (so I will take in both) in the councils of the Labor Party. Let me inform him that I have always done that and I will continue to do so.

REROOFING

Mr MAYES: Will the Minister of Community Welfare ask the Minister of Consumer Affairs to take up urgently with the Stratco roofing company the administrative practices followed by the company in relation to quoting and fulfilling contracts?

The Hon. Bruce Eastick: Is this another denigration?

Mr MAYES: Just listen for a change and you might learn something.

The SPEAKER: Order! I ask the honourable member to resume his seat. This has to stop: I gave fair warning yesterday. When the Leader asked his question and gave his explanation there was no shouting and roaring, but when the member for Unley attempts to ask a question there is noise in abundance, and it must stop. The member for Unley.

Mr MAYES: This matter has been raised with me by several constituents and, as a consequence, I have raised it with the management of the company concerned. There have been a number of problems in my area, as members may appreciate. Because of the age of the houses in Unley a significant number require reroofing. Complaints have been brought to my attention about some practices within this industry. Earlier I have raised in this House concerns about the practices that have been brought to my attention and have now been answered satisfactorily. I wish to bring this particular matter before Parliament because a number of complaints have been received from constituents. One constituent has written to me as follows:

> We had never agreed verbally or in written form to any quote they gave us. In the events that followed we were put under considerable stress and pressure by the company to finally accept their terms.

That sort of process concerns me greatly and, as a consequence, I contacted the manager of the company, and I hope we can resolve the problem. I seek the Minister's assistance in solving this problem. Constituents have suggested to me that there might be problems within the management structure and the practices followed that have caused this situation. I direct my question to the Minister and ask that as a matter of concern to the general public this matter be resolved urgently.

The Hon. G.J. CRAFTER: I thank the honourable member for his question. I will certainly refer it to my colleague in another place for his appropriate investigations.

NON-GOVERNMENT SCHOOLS GRANTS

The Hon. MICHAEL WILSON: Will the Premier have urgent consultations with the Minister of Education in order to achieve a phasing in period for the implementation of the 1985 State grants to non-Government schools? The member for Coles detailed yesterday examples showing large reductions in State funding for some non-Government schools, ranging, I understand, from $60 000 to $160 000 in some cases. I was informed today of another school that has suffered a 36 per cent reduction in its grant. It has been put to me that a much fairer distribution method would be to phase in the reductions for some schools, say, over a three year period (which is the operational length of the new formula) to ensure that no school faces a reduction of more than 15 per cent in any year. This becomes all the more relevant when one realises that Senator Ryan has given an undertaking that, as regards Commonwealth grants, no school will receive less in dollar values in 1985 than it did in 1984.

The Hon. J.C. BANNON: As the honourable member knows, the question is one of resources. I welcome the Commonwealth's decision and it is important to note it because it provides a long term certainty and, indeed, means that no school, whether in category A or in any other category, is put at a major comparative disadvantage. Regarding the State formula, it is still a matter of trying to make the available funds go to those areas in need. The needs formula must be applied. We have maintained the overall percentage level, but we have tried to adjust those

categories to ensure that direct areas of need are addressed. Even though that means that some schools may lose a larger amount and others may gain, I do not think that those schools should show great concern about it.

The Hon. Michael Wilson interjecting:

The Hon. J.C. BANNON: I do not accept that. In discussions that I have had with my colleague we have taken great care to try to ensure that there is no undue hardship in this area. We must apply the needs based policy properly and appropriately in this area within the context of our limited resources. Heaven knows, I wish that we had more resources, but the honourable member will know that any Government attempt to increase its revenue in order to fund such areas as these is questioned. Even today in the *News* there is a reference to an area of capital works. Every demand of that kind is met by resistance on the revenue raising side of the equation, and the honourable member and his colleagues have been loud in their condemnation of this Government when it tries to find more resources. Yet, at the same time, they are loud in their condemnation when we try to spread those limited resources in the most appropriate areas.

I am sympathetic to the problems in respect of the problems in some schools. We have agonised long and hard over this matter. My colleague has sensitively applied a formula on the advice of the committee that has been established. This is a genuine problem, and there are genuine problems galore, which can be addressed to a certain extent only, and that is on the basis of needs. That is what we are doing, and I suggest that the extra assistance and commitment from Commonwealth Government has alleviated to a certain extent the problem of some schools. We will keep the situation constantly under review. The allocations for 1985 have been made within the resources that we have for 1985.

COTTAGE HOMES RENTALS

Mr GROOM: Will the Minister of Community Welfare ask the Attorney-General to investigate the practicality of legislating to bring Aged Cottage Homes and similar organisations under the Residential Tenancies Act or, at the very least, obtain assurances from such organisations that they will generally adhere to the provisions of that legislation? I have received complaints from aged residents in my district concerning the latest increase in Aged Cottage Homes rents, and this is not the first time that I have received such complaints. At present, premises that are used as a home for aged or disabled persons by an eligible organisation within the meaning of the Aged or Disabled Persons Homes Act (1954) are exempt from the provisions of the Residential Tenancies Act.

Aged cottage rents have recently been increased by $6.50 a month. In the past, rent increases have generally been limited to one-fifth of the increase of the single person's age pension. In recent years this has been further varied to include payment of the supplementary benefit, but not all persons receive the supplementary benefit. The recent rental increase is simply too much for aged persons and has virtually wiped out the recent increase in a single person's age pension of $2.50 a week—about $10 a month. Further, many residents in my district are angry that they received only about 42 days notice of the rental increases, although the Residential Tenancies Act requires 60 days notice of an increase. In addition, aged persons living in such homes, unlike other members of the community, cannot dispute rent increases. In this regard, I believe that aged persons should not be treated differently from the rest of the community.

The Hon. G.J. CRAFTER: I thank the honourable member for his question which raises issues of very great importance to many elderly persons in the community. The problems that he raised are most serious and they are obviously very real. I will be pleased to refer this matter to my colleague in another place for his consideration. It may well also involve the Minister of Health in another place and myself. So, I will be undertaking discussions with those Ministers jointly about this issue.

FOOTROT

The Hon. TED CHAPMAN: Will the Premier ensure that the inspection and stock disease control procedures adopted by two Department of Agriculture stock inspectors at Penneshaw's annual sheep sale on 22 November this year are thoroughly investigated and reported on publicly following officer identification of the disease footrot at that site? The action that I request of the Minister follows a call by certain stock agents, Kangaroo Island graziers and the Chairman of the Dudley District Council following identification and announcement at the sale by inspectors of this disease, which allegedly resulted in a disastrous down-turn in livestock values, estimated locally to have cost the 15 vendors directly implicated between $50 000 and $70 000 on that day, and enormous devaluation of livestock generally in and adjacent to the impact area.

Certain strains of footrot have been detected in sheep from various areas of the State, including isolated regions of the Adelaide Hills, the South Coast and Kangaroo Island since the major outbreaks of the disease in the South-East of the State in the 1960s and intermittently since then in that region. In the Kangaroo Island situation extreme measures at great industry expense have been adopted since the initial detection of a mutant footrot strain detected in that region in recent years. Generally speaking, the Department's co-operation has been welcomed locally in the overall campaign to eradicate that potentially devastating livestock disease.

However, it is apparent from the reports received that on this occasion utter confusion arose upon inspectorial detection of the disease in at least one flock that was driven to the sale from the property of origin via a local public road and involving stock that were drafted and penned adjacent to many others on offer at the sale. The call from responsible citizens of the district to thoroughly investigate and report flows from a local belief that the Department itself purchased stock from the same identified stock owner when his stock were offered at the 1983 Penneshaw annual sale and that the Department subsequently found those purchased sheep to be suspect and/or actually bearing the footrot strain resulting in the Department's own leased Island property being placed under internal Stock Diseases Act quarantine throughout the interim period.

In view of the background information received in the written reports, copies of which are now available for the Premier, it is claimed that the Departmental officers failed in their duty to follow up the source of the disease at the property of stock origin about which they had suspicions or indeed clear prior knowledge of disease presence, and had a full year in which to do so.

The report further reveals that in the meantime no contact with the property owners nor a visit by the Departmental inspectors has occurred. Stock owners throughout the Island are legitimately asking why this vital follow-up work was neglected by the Department and swooped upon by the inspectors at the said sale after the suspect stock had been able to subject the wide community to the disease, both at neighbouring property level through the interim year, and

via the public roads to, at and from the saleyard venue at this year's 1984 annual stock sale.

The Kangaroo Island farmers are acutely conscious of their obligation under the Stock Diseases Act to notify the Department immediately that footrot disease is either present or suspected in their own flocks. In this case it would appear, and it is claimed locally within the reports, that the Department itself has failed as an Island property owner and local sheep owner to meet its moral, if not legal, obligations to the other local stock owners.

Even more distressing in this case is the alleged failure of the inspectors on site at the sale to insist on appropriate precautionary measures (requested by the stockowners at the time) to minimise the further spread of the detected disease. In fact, no foot bathing was undertaken for any of the sheep assembled at the sale yard before dispersal by public road for droving and vehicular transport from the venue after the sale. The risk of reportable disease spread is, in these circumstances, enormous and viewed by the Island stockowners as slack, unacceptable and inexcusable behaviour by the departmental officers; hence, on behalf of those people, my call for the Premier's support for a Government inquiry and report on the cited incident as a matter of urgency.

The Hon. J.C. BANNON: I was not aware of the situation that the honourable member has outlined, and I must admit that some of the technicalities in it are not within my particular field of knowledge. I would certainly be prepared to refer the question and the detailed explanation to my colleague the Minister of Agriculture for him to provide an early report.

SUN PROTECTION

Mrs APPLEBY: Will the Minister representing the Minister of Education, in consultation with the Minister of Health, be prepared to step up campaigns to ensure that children of pre-school and primary school years have adequate knowledge of the dangers of not protecting themselves from the harmful rays of the sun? As we are now officially six days into summer, I am concerned about the number of children already seen around with serious cases of sunburn. The Anti Cancer Foundation has continually promoted the 'Slip, slap, slop' campaign, which over the years has been most successful.

However, from discussions with a number of people, there still appears to be an all too frequent occurrence of pre-school and primary school children requiring after-sun attention who apparently have not had pre-sun exposure attention. As the knowledge is available which tells us that this type of sun exposure can be skin cancer causing in adult life, I ask this question of the Minister in the hope that extra attention will be given to school children in this regard.

The Hon. D.J. HOPGOOD: I wonder whether the honourable member is speaking from painful experience here, because she seems to have acquired a reasonably healthy colour as a result of her attentions to the polling booth last weekend. However, this is a very serious matter, and it is a matter of ensuring not only that very young children should be conscious of the necessity to protect themselves from the sun but also that some parents should act far more responsibly than they do in allowing very young children to run around unprotected from the rays of the sun, particularly on the beach, where, of course, there is the added hazard of the reflection of sunlight from the surface of the water. I am only too happy to pass this on to my colleague, who, I am sure, will take up the matter with the Minister of Health with some degree of alacrity.

SEWER AND WATER CONNECTIONS

The Hon. P.B. ARNOLD: Will the Minister of Water Resources allow private sector operators to install new sewer and water connections in the metropolitan area, where it can be demonstrated that this facility can be provided at a price much less than that requested by the E & WS Department? I have been advised by a pensioner couple, who have made application to subdivide portion of their property, that the E & WS Department has requested a contribution of $10 625 towards the cost of providing water and sewer services to the proposed new allotment. The $10 625 is to provide and lay approximately 30 metres of 20 millimetre, or less than one inch, water pipe, and 30 metres of 100 millimetre sewer extension which is equivalent to four inches.

When other mandatory E & WS Department fees of some $895 and other expenses of approximately $1 000 outlayed to date are taken into account, the total costs associated with the proposed subdivision aggregate some $12 520. As the contribution of $10 625 requested by the E & W Department is 39 per cent of the contracted sale price for the land, this can only act as a disincentive to other persons in a similar situation in freeing up suitable allotments at a time when land for dwelling purposes is in short supply.

The Hon. J.W. SLATER: There still persists a general fallacy in the minds of members opposite that private enterprise can do it better and, indeed—

The Hon. P.B. Arnold: For less.

Members interjecting:

The Hon. J.W. SLATER: Yes, and the member for Chaffey has added, 'For less'. The E & WS Department charges for the provision of services based on an estimated cost and on many occasions that charge does not meet the return from the service provided. It is based on an estimate of the cost, and it depends on a number of factors, including the terrain involved, as well as many other components. The honourable member has cited only one case to justify an argument for generally allowing private enterprise or private contractors to perform work on behalf of the E & WS Department involving extensions of mains. I point out that there is a statutory requirement for the E & WS Department to provide a service to a certain standard and the reason for that is fairly obvious—health standards, and so on.

I certainly have given consideration already to the points mentioned by the member for Chaffey, and I do not believe that at this time it is in the interests of the community generally for the E & WS Department not to undertake extensions, additions and the provision of services to people in South Australia. As I say, the cost varies according to each situation, and a number of factors are involved. If the member for Chaffey is prepared to give me particulars of the specific case he has mentioned today, I will have the matter looked into and I will report back to him regarding the cost aspect.

YOUTH UNEMPLOYMENT

Mr M.J. EVANS: Will the Premier confirm for the benefit of the public record in this House his Government's commitment to full employment for young people in the State, and in particular in Elizabeth, and indicate to the House his general strategy for achieving this goal? Will he also provide the House with any details he may have on his Government's new proposal for a special jobs plan for young people in the northern suburbs? During the recent

by-election campaign for the seat of Elizabeth, it was clear that the question of youth unemployment was of particular concern to the electorate. In responding to this issue, the Australian Labor Party stated its commitment to providing all young people in the electorate with jobs. The endorsed candidate also indicated that the Government was working on a special jobs plan for young people in the northern suburbs and I would like to be able to inform concerned residents in my electorate of the details of this new proposal.

The Hon. J.C. BANNON: I congratulate the honourable member on his first question.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: It is no surprise—

Members interjecting:

The Hon. E.R. Goldsworthy: Have you got a new Speaker?

The SPEAKER: Order!

The Hon. E.R. Goldsworthy: No reflection on you, Sir.

The SPEAKER: Just as well, too, I might add.

The Hon. J.C. BANNON: I will start again. I congratulate the member for Elizabeth on his first question. It was no surprise, I guess, to any of us that a reference to his electorate was contained in the question, and the issue he has raised is an extremely important one, one of the key issues that Government and the community face at the moment, being the fairly horrendous problem of the high and persistent level of youth unemployment. The Government certainly has for some time, in conjunction with the Federal Government, been attempting to develop strategies to try to combat youth unemployment. Of course, there is no substitute, as the honourable member would know, for general economic revival, that is, for the creation of permanent long-term jobs, and therefore all those policies on which a Government can embark and which are directed to improving the job situation in general economic terms are obviously going to provide very direct benefits to youth in our community.

Equally, while we have such a persistent and particular problem, I believe Government has a responsibility to try to address itself in the short term to doing something about the situation. As far as the Government is concerned (and we share this philosophy with the Federal Government, although it has been rejected by our predecessors in office for philosophical reasons), we believe that job schemes have a very important function if the jobs generated ensure that work skills and training are embodied within them, and if those jobs, in turn, create assets or benefits that are of lasting and direct value to the community. All of those who scoff at programmes like the State Unemployment Relief Scheme or the current Commonwealth Employment Programme ought to go out and talk to people in the community, people in local government and other groups. They would find that tangible benefits are being achieved. The projects undertaken are for the good of the community and simply could not be attempted without the infusion of funds from the CEP. These are welcome in the community and have become an important—

The Hon. E.R. Goldsworthy: At taxpayers' expense.

The Hon. J.C. BANNON: Yes, but the taxpayers do not begrudge money being spent in these ways because, first, these projects provide permanent facilities and advantages which, in turn, assist economic generation; and, secondly, they are providing for many hundreds of young people work experience and skills that they desperately need.

In relation to the honourable member's electorate, the Government recognises that there is a higher than average youth unemployment rate in the northern suburbs area. CEP project money has been directed to the Elizabeth area and is yielding quite substantial benefits, some 133 new jobs having been created there. As the honourable member would know, a major project involves the redevelopment of the Elizabeth swimming centre. Again, I do not think that members could say that that is a worthless 'make work' project, because obviously it is not. Quite clearly, it is a substantial community asset, expenditure on which would not have occurred but for CEP funding.

Various other schemes are in operation, such as the HOME Assistance Scheme, as well as CITY (Community Involvement Through Youth), which is very active in the Elizabeth and Salibury areas. I think that was the first place where CITY established some form of regional presence. I am advised that some 500 young unemployed people have participated in the various CITY projects, some of which involve project grants. Some very useful and important work is being done in that area. Also, the Teenage Transition Training Scheme has been recently introduced. The Government is putting up $13 000 per employee for 38 weeks of training and that will be matched by money from the local council. The honourable member would know, because he has been involved there, that the Elizabeth council is employing eight young people as part of that scheme. Again, I would defy members opposite to say that that is money wasted: it is providing very tangible benefits to the fabric of the City of Elizabeth, and it is also providing important work skill and experience for individuals.

As to the jobs plan, I think the honourable member would be referring to certain statements made by our official Labor endorsed candidate, Mr Roe, during the course of the campaign. In one of his campaign pamphlets he referred to a special jobs plan for young people. This related to a letter that Mr Roe had written to the Prime Minister, Mr Hawke, in which he drew the Prime Minister's attention to the unemployment rate among young people in that area, which on the latest CES statistics is about 30 per cent more than—almost double—that of some other areas.

In that letter he proposed that a strategy should be developed for training unemployed young people and creating jobs in the northern suburbs. He suggested that this scheme could be looked at in a pilot sense, that is to take an area, to concentrate on a particular target group and, whether one uses CEP funds or some special source of funding, to try to see if there are ways in which, with a large training component and co-operation from local industry (and in this sense it differs from CEP which very much involves community groups), this would involve industry assistance in providing job opportunities for young people.

The Hon. B.C. Eastick: Do you think Mr Roe will use that for the next campaign?

The Hon. J.C. BANNON: Mr Roe in fact publicised and undertook that initiative, and I do not think anyone should try to take credit away from him for doing so. I do not think the member for Elizabeth, newly installed, would be so churlish as to say that sort of initiative is not welcome and an important part of it. The Government is looking at the possibilities involved in such a scheme through our Youth Bureau.

An honourable member interjecting:

The Hon. J.C. BANNON: No. Mr Roe announced that he had written to the Prime Minister, Mr Hawke, about a scheme for a special jobs plan for young people in Elizabeth. I am saying that we, as a State Government, are quite happy to co-operate in the investigation of such a scheme. Although the election is over I am sure we can expect some response from the Federal Government and when we get it I will be happy to talk to the honourable member about it.

VELODROME

Mr ASHENDEN: Will the Premier overrule his Minister of Recreation and Sport in relation to the possible estab-

lishment of an international cycling facility within the City of Tea Tree Gully? I have been contacted by a senior person involved with cycling in South Australia. He has advised me that his organisation has placed requests before both the State and Federal Governments for the establishment of cycling and training facilities that will allow international competition to be conducted in South Australia. He has informed me that this proposed facility has received the support of both the Federal Minister for Sport and the South Australian Premier but that the State Minister of Recreation and Sport has actively opposed this development at Tea Tree Gully or anywhere in South Australia.

My constituent's organisation has now been advised by the Federal Government that unless the South Australian Government supports this project the velodrome, road track and training facilities will go to Tasmania. He is most concerned at the possible loss of an international facility to South Australia due to the State Minister of Recreation and Sport's opposition to this project, and he has asked me to seek the Premier's support and intervention.

The Hon. J.W. SLATER: Once again the member for Todd is wrong: the Department of Recreation and Sport is not actively opposed to a cycling—

Mr Ashenden: I said the Minister was opposed.

The Hon. J.W. SLATER: The Minister is not opposed. I am not actively opposed to the establishment of a cycling velodrome in South Australia: just the opposite, I support it strongly. I make the point—

Mr Ashenden: You'd better tell them that.

The Hon. J.W. SLATER: This might be one of the rumours we have circulating around the place from time to time which could be called a Todd rumour, not a Gilles Report. The cycling velodrome project is one of the applications in submissions we have made to the Federal Government under the National Facilities Programme. I would hope that that submission would be accepted by the Federal Government. The proposal as originally instanced by the Federal Government was that if cycling comes to South Australia it will be a diversification of the Australian Sports Institute. I would hope that under the National Facilities Programme, as with hockey in Western Australia, the greatest cost burden will be borne by the Commonwealth as a diversification of the Institute of Sport. Whether that is to be the case or not, I am not sure, but let me assure both the member for Todd and the cycling fraternity of South Australia that neither the Department nor I would be opposed to a cycling velodrome in this State. As a matter of fact, I think it is urgently required and indeed I would hope that the Federal Government will see it that way. We are not able to do it from State funds alone; we certainly need Federal assistance. In our submission we costed at $3.5 million an open-air velodrome on a site at Anstey Hill. I understand from the Commonwealth Government that a decision will be made in relation to those submissions probably early next year.

RAILWAY MEMORABILIA

Mr FERGUSON: Will the Minister of Transport ask his Department to consider providing a railway souvenir shop in the State Transport Authority's office development? The State Transport Authority in New South Wales has successfully opened a railway souvenir shop which sells to the public all railway memorabilia, including railway lamps, signalling equipment, crockery from railway refreshment rooms, glasses with railway insignias, old railway uniforms and a wide range of books and pamphlets on the New South Wales railways. The New South Wales State Transport Authority has found this initiative to be a very profitable sideline.

The Hon. R.K. ABBOTT: I will certainly take up that suggestion. All the existing State Transport Authority concessions will be relocated in the new concourse and all other tenants will be offered alternative accommodation in that new complex. I am not certain whether there is any additional accommodation available or whether it is feasible for the Authority to establish such a concession as the one described by the honourable member that apparently operates so successfully in New South Wales. I will take up the suggestion with the Authority and inform the member of its feasibility.

COMMUNITY CO-OPERATIVE

Mr MATHWIN: Will the Minister of Community Welfare inquire into allegations of the removal of stock and equipment without the authority of the MUCH Management Committee at Glengowrie and its relocation in the Seacombe Gardens area by a splinter group? I draw the Minister's attention to an article in the Messenger Press newspaper of 5 December headed 'New-look community group co-op opened by MP'. The article, which contains a photograph of the member for Kingston, Mr Bilney, and the member for Mawson, Ms Lenehan, MP, states:

> . . . the new-look Southern Community Co-op. Previously called MUCH Co-op, it has been expanded and recently moved into new premises at the Seacombe Gardens Scout Hall. Kingston MHR Gordon Bilney last week officially launched the new Co-op which will cater for low income earners and residents.

The MUCH group at Glengowrie, of which the Minister will be well aware, has received financial assistance by way of grants from the Government and the local government of Marion to set up its local food co-op. I understand that the Marion council gave a grant of $500 which was used for stock and equipment for that co-operative. The splinter group, and without permission, without the blessing of the MUCH branch at Glengowrie, moved out complete with the stock and fittings and then later sent out a letter to people in the community saying that the co-operative previously known as MUCH (from which it got its finance) is in the process of being formally registered and incorporated, (which the Minister knows it cannot do) under the name of the Southern Community Co-operative Limited. A communication bearing the letterhead 'Southern Community Co-operative Limited' states:

> (1) All people in the community, particularly those on low incomes, will now be welcome to use our services and facilities, whether they are members of the Co-operative or not.
> (2) The Co-operative will operate in the new location shown above [21 Eurunderee Avenue, Seacombe Gardens].
> (3) A new form of membership is now in existence . . . The new membership will require the purchase of at least one $5 share and for each member to work three consecutive hours per month. To cover administrative costs a $1 charge must be made for each purchase of shares whether the purchase is for one share or for the maximum of 200 shares.

One of my constituents, along with another 50, was unfortunate enough to invest $5 in this splinter group of the Co-operative, which was given Government money and local government money to set up the store. The splinter group has gone on its own. Will the Minister have this whole matter investigated?

The Hon. G.J. CRAFTER: I thank the honourable member for his question, although I wonder about the gravamen of his complaint, if that is what it is. Here is a community group that has fostered the formation of another organisation and there seems to be some dispute as to what property and funding belongs to each group.

Mr Mathwin: Marion council wants its money back.

The Hon. G.J. CRAFTER: If the Marion council has a complaint, perhaps the honourable member should raise the matter with it. I understand that the Marion office of the Department for Community Welfare is the responsible office with respect to assistance for such programmes and I will obtain a report on this matter for that office. If the honourable member's complaint, as it now seems, emanates from the Marion council, perhaps he should refer it to the council for consideration.

Mr Mathwin: The member for Mawson is in it.

The Hon. G.J. CRAFTER: I do not think that the member for Glenelg, by guilt by association, could blame the member for Mawson for appearing at a public function. Obviously, here is a group of people who are trying to provide a service in the community. The sum of $500 is not much.

Mr Mathwin: Over $3 000.

The Hon. G.J. CRAFTER: The honourable member said that $500 had been provided by the local council. Obviously, the honourable member does not object to the services that are being provided by either of these organisations. Indeed, they are probably meeting well established needs in the community. The argument seems to concern a power struggle between the groups. I will seek a report on this matter from the local office of my Department, and the honourable member may wish to discuss it with the Marion council.

DEPARTMENT OF MARINE AND HARBORS REPORT

The Hon. R.K. ABBOTT (Minister of Marine) laid on the table the Annual Report of the Department of Marine and Harbors for 1983-84.

Ordered that report be printed.

PERSONAL EXPLANATION: MYPOLONGA PRIMARY SCHOOL

Mr LEWIS (Mallee): I seek leave to make a personal explanation.

Leave granted.

Mr LEWIS: On this day three weeks ago, the Minister of Public Works rose in this place and attacked me, my integrity, and the integrity of those members of the general public at Mypolonga concerning the fiasco that was perpetrated by his Department at Mypolonga Primary School. In the course of his statement, he said:

> I am satisfied that the report originally prepared for me in relation to the Mypolonga school was a complete and truthful one. I am also satisfied that a second investigation confirms this to be the case . . . I call on the member for Mallee to retract his statements made in this House calling into question the honesty of employees of the Public Buildings Department.

Other aspects of that statement also impugned my reputation. Therefore, in the course of this personal explanation I seek to put matters to rights.

At the outset, I must say that when this matter was first discussed by the member for Davenport and then by me, I pointed out personally to the Minister, in what I thought was a generous gesture, that I could get statutory declarations. I now have those declarations, which I will deliver to the Minister after I have finished making this personal explanation. The Minister now accepts personal responsibility for his being satisfied with the veracity of certain statements and replies made to the allegations contained in the letter from the community that was read to members of the Estimates Committee by the member for Davenport and supported by me subsequently.

First, I refer to a statutory declaration from Darrell Mervyn Stein, of Green Street, Mypolonga, who is a motor mechanic and garage proprietor. Secondly, I refer to the statutory declaration of Anne Elizabeth Padman, of 60 Thomas Street, Murray Bridge, who is a schoolteacher and who was Acting Principal for some of the time covered by these allegations. Thirdly, I refer to the statutory declaration of Valerie Nesbitt, of Williams Street, Mypolonga, who is a delicatessen proprietor in that town. In the course of explaining how I believe that the Minister has misled the House and impugned my reputation, I refer to the specific points that were refuted by the Minister in reporting the information that he received ostensibly from his Department and with which he said he was satisfied.

First, as regards the allegation that the Public Buildings Department workmen had nothing better to do than wash their cars during working hours, the Minister replied:

> Cars have not been washed during working hours, but on a few occasions during dirty weather our personnel have wiped grime from windscreens, head and tail lights. Contractors and Public Buildings Department trucks have on occasion filled up with water and hosed windscreens, etc., in dirty weather.

That is the subject of the statement made by the delicatessen proprietor (Mrs Valerie Nesbitt). Rather than take the time of the House by reading into the record the substance of these statutory declarations, I will give any member a copy, as well as making a copy available to the Minister immediately. In all, there are 19 instances of the Minister saying that he is satisfied with the veracity of the information that I now refute. I am willing to swear on oath regarding one of these allegations about the cost of travelling daily being paid to each workman from Adelaide to the work site compared to the cost of providing accommodation in Murray Bridge over the period while the work was being done. I have checked with motels, hotels and private hotels at Murray Bridge.

The SPEAKER: Order! The honourable member's time has expired. He will need to seek an extension of time.

Mr LEWIS: I seek leave to extend the time of my personal explanation.

Leave granted.

Mr LEWIS: I seek leave to have inserted in *Hansard* a short table on which is stated specific charges made by all the available providers of public accommodation in Murray Bridge and which utterly refutes the statement made by the Minister about the trade-off in costs.

Leave granted.

Name	Proprietor	Accommodation per night	Breakfast		Dinner (average cost)			
			Continental	Full	Soup	Entree	Main	Sweets
		$						
Motel Murray Bridge	Mr John Halliday	30.00	2.70	5.50		6.00	9.00	3.00
Murray Bridge Olympic Pool Motel	Mr Ray Strydom	25.00		4.00				
Oval Motel	D.B. and L.A. Wolsley	25.00	2.50	5.00				
Motel Greenacres	Bill and Yvonne Slattery	22.50 10.00 share	2.50	4.15	1.20		5.50	1.50
Bridgeport Hotel	Ron Hamilton (Manager)	10.00	included				Front Bar 4.00	
					1.00		6.00	1.50

Name	Proprietor	Accommodation per night	Breakfast		Dinner (average cost)			
			Continental	Full	Soup	Entree	Main	Sweets
		$						
Murray Bridge Hotel	Mr John Leahy	11.00 15.00 S.C.		4.00	.60		5.00	Lounge 1.10
Riverview Private Hotel . .	Miss Helen Hoveler	15.00 18.00 109 per week B & B		included			8.00	

Mr LEWIS: The dearest available accommodation would be $214 a week, not $300 as the Minister alleged would be the cheapest accommodation. The cheapest available accommodation at the Bridgeport Hotel is $112—nothing like the $300 that the Minister said he was satisfied was the case. The Minister knows, as I know, that those men were paid daily travelling allowances in order to settle an industrial dispute, because they went on strike on the first day that they arrived on the job.

I suspect that that may have been the reason why the Minister did not want to disclose further information from that docket in the Estimates Committee at the time that he made that information available. To further prolong the explanation at this point will not change the validity of the situation. I now call, if I may, on the Minister to find and produce those statutory declarations that he said he could and to accept personal responsibility and apologise to me for having impugned my reputation improperly.

The SPEAKER: Call on the business of the day:

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Police Regulation Act, 1952. Read a first time.

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

That this Bill be now read a second time.

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

Explanation of Bill

This Bill is the culmination of a lengthy process of consultation and is primarily concerned with the appointment of police aides. The measure will have particular importance in relation to the use of police aides on Aboriginal lands.

In the month of January 1984, the Commissioner of Police initiated a review of the relationship between the police and the Aboriginal people of the State. Various proposals emerged, including a suggestion that the relationship with the Pitjantjatjara people could be improved by implementing a police aide scheme. Other suggested initiatives included the implementation of teaching programmes to increase the understanding of Aboriginal people by the police, and vice versa, and programmes aimed at recruiting Aborigines into the Police Department.

Following lengthy consultation with Aboriginal leaders and their communities, it appeared that the police aide concept was indeed worth considering. The Government has decided to facilitate the implementation of this concept by the introduction of this legislation. At the present time, it is envisaged that Aboriginal police aides will be selected from the various communities and especially trained to perform the duties of a police aide. The aides' duties would be limited to duties specified in his instrument of appointment. These duties could be varied as experience was gained and further training undertaken. It is intended that any programme be the subject of constant monitoring and re-evaluation.

When the Government decided to put forward this proposal, it appeared that an efficacious means of achieving the desired end was to appoint the police aides as special constables under the Police Regulation Act, 1952. However, to do so requires amendment to the relevant provisions so that the Commissioner can limit the duties and powers that may be exercised by the police aides. Indeed, the power to limit the powers of special constables of particular classes seemed desirable in any event. This Bill therefore includes various measures that will improve the operation of the provisions of the principal Act dealing with special constables. It includes worthwhile reforms that deserve support.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 has the effect of limiting to the Commissioner of Police the authority to appoint a special constable. Section 30 of the principal Act presently authorises special magistrates, in addition to the Commissioner, to appoint a special constable. The power vested in special magistrates derives from earlier times when judicial officers were involved in administering the law. This is no longer the case. Furthermore, amendments to the Law Courts (Maintenance of Order) Act have ensured that orderlies are always available to magistrates, as they are needed. Magistrates hardly ever now exercise this power and advise that the Act can be amended to restrict the power to appoint special constables to the Commissioner of Police.

Clause 4 effects a consequential amendment to and form of oath that is to be taken by a special constable upon his appointment. The oath, as it presently stands, envisages that special constables always possess the full powers of a police officer, but this may not now be the case in relation to some constables. Clause 5 provides for the enactment of a new section 32. The new provision will allow the Commissioner, or the regulations, to specify the duties that a particular special constable is to have and to limit the powers that he may exercise. This reform provides a useful alteration to the existing provisions, as it may often be the case that special constables are appointed to deal with particular situations or to work in defined areas. The Commissioner will be able to vary or revoke limitations on the powers of a special constable as particular circumstances change.

Clause 6 effects an amendment to the regulation-making section to provide that regulations may be of general or limited application and may vary according to particular classes of special constables. Again, this will allow for greater tailoring in relation to the various classes of constable.

The Hon. D.C. WOTTON secured the adjournment of the debate.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an

Act to amend the Industrial and Commercial Training Act, 1981. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Industrial and Commercial Training Act, 1981, came into operation on 19 May 1981. It replaced the Apprentices Act, 1950, and established the Industrial and Commercial Training Commission. From experience since that time it has become apparent that various amendments are desirable to facilitate the operation of the Act. This Bill provides those amendments.

The proposed amendments are in the main machinery matters relating to the intended roles of the Training Commission and of the Disciplinary Committee which was also established under the Act. Whilst most of the amendments will significantly assist their operation, several do extend the Commission's authority and responsibilities and those of the Disciplinary Committee.

Experience with the administration of the Act in respect of the provisions covering the Disciplinary Committee has shown a need for some broadening of the responsibilities of that committee. At present the committee can only deal with matters where there has been a breach of the contract of training or of the Act. At times difficulties arise between the parties to a contract of training which cannot be satisfactorily resolved even with the involvement of training supervisors and other officers of the Commission. The view is held that a resolution of these difficulties could be aided by the involvement of the committee which has members representing the interests of both employers and employees. Thus the Bill proposes that the Disciplinary Committee be renamed as the Disputes and Disciplinary Committee and that it be given power to deal with disputes between parties to a contract of training whether or not there has been a breach of the contract or the Act.

The definition of 'pre-vocational training' is broadened from training designed as preparation for training in a 'trade or other declared vocation' to training in 'an occupation'. The view is held that all of the courses of 'pre-vocational training' developed from consultation between the Commission and the Department of Technical and Further Education should be dealt with on the same basis irrespective of the occupations to which they are directed. The separation of such pre-employment training into two groups, one relating to 'trades and other declared vocations' and the second to all other vocations, is seen as inconsistent with the broad intentions of the Act. It is also seen as potentially confusing in the community and for those responsible for developing and administering this important new thrust in vocational education and training. The amendment will enable greater co-ordination and increased flexibility in respect of the pre-vocational training programme. It is in line with the prime function of the Commission 'to inquire into, and keep under review, the training that is being, or should be, provided in order to develop the knowledge and skills required in industry and commerce'.

A provision has also been inserted to widen the category of people to whom the Commission can delegate its functions. At present the time-consuming function of approving employers to take on an apprentice or a trainee under a contract of training is performed, by delegated authority, by the Chairman or the Deputy Chairman. Decisions in this area are made on the recommendation of a training supervisor. To facilitate the processing of approvals, it is proposed that the Commission established the criteria for approval and that the power to approve be delegated to the senior training supervisors on recommendation from the training supervisors.

A further amendment proposes that contracts of training in force at the time of a change of ownership of a business will be deemed to have been assigned to the new owner. This provision is to protect the interests of apprentices and other trainees by preventing their displacement in situations where a new owner may decide not to employ apprentices or wishes to offer the apprenticehips to other persons in their stead. The provision will assist in restricting the size of the pool of 'out of trade' apprentices. Of course, where there are circumstances which justify termination, suspension, transfer or assignment of a contract of training by the Commission, a new owner is no differently placed than any other employer of an apprentice or other trainee. The rights and obligations under the contract pursuant to the relevant provisions of the Act will apply.

Certain other amendments are made by the Bill to facilitate the administration of the Act and to improve the quality of training available to apprentices and other trainees. Specific authority is provided to the Commission to determine ratio requirements in respect of a particular employer or employers of a particular class. This concerns the ratio of the number of apprentices and other trainees employed by an employer in relation to the number of persons who are to supervise their work. Because it is appropriate and because of the Act's requirement for it to consult, the Commission will in all circumstances establish ratios in agreement with the relevant unions and employer organisations. Where ratios are established in industrial awards and agreements they will provide the basis for decisions, but the amendment provides scope for the Commission's consideration of individual circumstances and flexibility in the application generally of ratio requirements.

The Bill will empower the Commission to withdraw an approval given in relation to an employer under new section 21a in circumstances where the employer no longer reaches the standards required by the Commission. At present, the Act provides for the Commission to revoke an approval only in cases where a condition of that approval has been breached.

The Disputes and Disciplinary Committee is also to be provided with the power to withdraw an approval in dispute situations after suitable inquiry. The Committee may require that no apprentice or trainee at all be employed, or alternatively only those, or some of those, who are currently employed continue to be employed. This will introduce a desirable element of flexibility into dealing with disputes in this area.

A further amendment is to enable the Commission to determine that all or part of a period of training occurring immediately before a formal contract of training is entered into can be taken as part of the term of the contract. This will simplify present procedures where parties have entered into a contract of training some time after a relationship of employer and apprentice has been established. In the year to 30 June 1984 there was a need to vary over 130 contracts of training in order to recognise time served with the employer prior to the contract of training being entered into. Similarly it is proposed that the time during which an apprentice or trainee has been absent from employment and training be also taken into account. This will ensure that the training period is adequate in relation to the training term determined for each vocation.

This same power in regard to absences from employment and training is also proposed for the Disputes and Disci-

plinary Committee. The Commission will act where there is no dispute between parties and the committee will act where there is a dispute or breach situation. The provision will provide for the term of a contract of training to be computed with all related considerations being taken into account. Specifically, it will enable the committee to determine that a contract of training be terminated on a date which best provides for a suitable and just resolution of a situation in dispute, rather than as the provisions of the Act presently require—a decision only with effect on or after the date when the committee determines the matter. An apprentice or other trainee who is dismissed from his employment will not be able to make a claim under the Industrial Conciliation and Arbitration Act, 1972, for wrongful dismissal because the relevant provisions of that Act only apply where the dismissal is not reviewable under any other Act or law.

All the proposed amendments have been subject to extensive consultation with relevant employer and employee organisations and have been agreed to by the Industrial and Commercial Training Commission and the Industrial Relations Advisory Council, both of which are tripartite bodies. Overall there has been a broad and general acceptance of the provisions of this Bill. There has indeed been much advice and assistance provided during the period of consultations. The substantial value of the principal Act to industry and commerce is acknowledged, I believe, by the support which has been given to this mainly refining exercise. I wish to record the Government's appreciation to all who have contributed. Detailed explanation of the provisions of the Bill follows.

Clauses 1 and 2 are formal. Clause 3 makes a consequential amendment. Clause 4 amends the interpretation provision of the principal Act. Paragraph *(a)* makes a consequential change. Paragraph *(b)* widens the definition of 'pre-vocational training' so that it can embrace all occupations. Clause 5 amends section 13 of the principal Act by widening the Commission's power of delegation to any person it may choose. Clauses 6 and 7 make consequential amendments.

Clause 8 amends section 21 of the principal Act. The substance of subsections (4) and (5) is replaced in new section 21a. Paragraph *(b)* makes a consequential change to subsection (12). New subsection (13) prevents the parties to a contract of training from terminating or suspending it without the approval of the Commission. This provision will protect apprentices who are under pressure from their employers. If the agreement to suspend or terminate is not in the best interests of the apprentice the Commission will be able to refuse its approval. New subsection (14) also protects an apprentice where there is a change of ownership of the business in which he is employed. Without subsection (14) a change of ownership results in termination of the contract and the new owner is not obliged to enter into a contract of training with the apprentice. The effect of subsection (14) is that the contract of training will remain on foot with the new owner taking the place of the previous owner as the employer under it. Subsection (15) will allow for variations to be made in the form of a contract of training.

Clause 9 inserts new section 21a into the principal Act. The new section replaces the substance of subsections (4) and (5) of section 20 with some additional provisions. Subsection (1)*(d)* requires the employer to comply with the ratio of apprentices to supervisors fixed by the Commission under subsection (5). Subsection (3) enables the Commission to withdraw its approval given under subsection (1) if the matters referred to in that subsection are no longer suitable.

Clause 10 amends section 23 of the principal Act. New subsection (1a) will provide a simple method of rectifying the common problem of an apprentice working for an employer before a contract of training is executed. Under paragraph *(a)* this period will be able to be included when calculating the term of the contract served by the apprentice. Paragraph *(b)* enables the inclusion of a term served under a previous contract of training which a previous employer and paragraph *(c)* enables the exclusion of periods of absence. Clause 11 adds subsection (3) to section 25 of the principal Act. This new provision ensures that an apprentice will be entitled to wages for time spent by him in fulfilling the requirement of subsection (1) to attend at courses of instruction except where he is repeating the course.

Clause 12 replaces section 26 of the principal Act. The new section expands the role of the committee to deal with disputes generally between parties to a contract of training. Subsection (3) sets out the powers of the committee on inquiring into a matter before it. Paragraph *(b)* allows a suspension from employment to be backdated and paragraph *(c)* allows cancellation of a contract to be backdated. Paragraphs *(f)* and *(g)* give the committee power to require performance, or excuse performance, of terms of a contract. Paragraph *(h)* allows the committee to order the exclusion of a period when computing service under a contract. By paragraph *(i)* it may withdraw approval given by the Commission under section 21a and paragraph *(j)* enables the committee to order an employer not to employ any apprentices in the future.

Clause 13 makes a consequential change to section 28 of the principal Act. Clause 14 amends section 31 of the principal Act by extending the time that records must be retained by an employer to two years after the contract of training expires or is terminated.

The Hon. B.C. EASTICK secured the adjournment of the debate.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to amend the Long Service Leave (Building Industry) Act. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted

Explanation of Bill

The Long Service Leave (Building Industry) Act, which came into operation on 1 April 1977 provides long service leave for workers in the building industry, who because of the itinerant nature of the industry, are generally not able to accrue an entitlement to leave under the Long Service Leave Act. The Act has been amended several times in the light of administrative experience, and certain other matters deserving legislative attention have now become apparent. This Bill then is principally aimed at introducing a desirable element of flexibility into the Act to enable the spirit of the Act to be put into practice.

In the first instance, the Bill seeks to amend the definition of 'employer' in the Act to give a wider coverage to building industry workers. At present, the definition excludes from the definition of 'employer' any person engaged in activities which would normally be encompassed by the Act, but which are subsidiary to other activities undertaken. For example, a quarrying company that employs a builders

labourer who goes onto a building site will now have to register and pay contributions for that worker, which was the initial intent of the Act. Currently quarrying companies are exempted through the operation of section 4 *(i)* of the Act.

The Government believes that it is fundamentally unfair for workers engaged in building and construction activities to be barred from entitlement under the Act solely because those activities do not constitute the major thrust of the employers work. Accordingly, it is proposed to repeal this exemption and its associated provisions to enable the Act to apply to a wider range of building industry workers. However, this extension will not affect the current situation in respect of electricians and others paid under a Federal Metal Industries Award which has its own long service leave provisions and the Furnishing Trades Award because it covers workers outside the scope of the Act. Nor will the Act be extended to cover off-site workers such as maintenance carpenters working for a retail store or joinery shop who never go on to a building site, or local government construction work which is exempt from the provisions of the Act.

Long service leave legislation is based upon the notion of continuous service, whether with one employer, or in the case of the building industry, in the one industry. The Act acknowledges, however, that through the very nature of the industry, some interruption to service is the normal pattern of events, and should not be regarded as terminating an accumulation of effective service to date. To this end, in cases where the worker has not yet qualified for a pro rata payment, section 28 (5) *(c)* allows an absence from the industry of up to 18 months (other than on account of illness or injury) before effective service is lost.

Given the somewhat fluctuating nature of the industry, current employment patterns have revealed that this period of 18 months may not be sufficient. A building worker may easily be absent from operating in the industry in the sense required by the Act for a longer period of time, particularly, say, where he is engaged on a job creation project. In this instance, cases have been brought to the Government's attention where a worker has accumulated a substantial period of service in the industry and has followed that employment with a period of work on long term job creation projects extending beyond the 18 months time limit allowed by section 28 (5) *(c)*. In these cases, the worker has lost his former service, and on returning to the industry has had to recommence his accumulation of service from scratch.

The Government believes that, in limited circumstances, generally beyond the control of the worker, it is unreasonable to penalise the worker in this way for the current industrial climate. Thus, the Bill provides that, where the worker has followed a period of service under the Act with employment pursuant to a prescribed job creation arrangement (whether before or after the amending Act), he shall be regarded as having been continuously employed in the building industry for the entire period. This will mean that the service accrued prior to the commencement of work on the job creation project will still be current once the latter term is completed. However, no effective service will accrue during the period on the job creation project and a period of absence from the industry will recommence at the completion of that project.

As a result, no contributions to the Long Service Leave (Building Industry) Fund will be payable in respect of service on, say, a Community Employment Programme project, even where that project covers work within the scope of the Act. This will then not impose any additional burden on the cost of the project, thus enabling funds to be available for more unemployment projects.

As is usual with legislation relating to length of service, the Act makes a number of references to qualifying periods of service or disqualifying periods of absence which are relevant to the various calculations made in the Act. The basic thrust of the Act is the creation of an entitlement to a long service leave payment for a worker who has completed 120 months effective service (equivalent to 10 years). However, to be consistent with the general Long Service Leave Act, a building industry worker or his personal representative can become eligible for a payment in respect of a lesser period of service where the worker has accrued either 84 months effective service or a lesser period combined with service under the general Long Service Leave Act and he fulfils certain other qualifications. These qualifications are death, retirement at the prescribed retiring age, retirement on the grounds of invalidity so that he will be unable to work as a building worker for a continuous period of 12 months or more, and absence from the industry for 12 months or more.

This latter ground has created some difficulties, as in some cases it is quite obvious for one reason or another that a worker will not return to the industry within the stipulated period, but a payment cannot be made by the Long Service Leave (Building Industry) Board until that period has been observed. In this respect, cases of extreme hardship have been brought to the notice of the Board where workers intend to move abroad permanently, and cannot settle their financial affairs as they cannot have access to their long service leave payments for 12 months.

The Government believes that there may be special circumstances in which it should not be necessary for the full 12 months period to expire before a pro rata payment is made to a former building industry worker. Indeed, even an enforced delay is not required if the worker retires on the grounds of physical or mental incapacity. Accordingly, the Bill gives the Board a discretion to make a pro rata long service leave payment prior to the expiration of the 12 months period of absence where it believes the former worker will not be working in the industry for 12 months.

As mentioned earlier, one of the special features of this Act is that it allows for portability of service between employers, so long as the worker remains in the building industry. While this principle operates successfully when the employment is confined within the borders of the State, problems arise in respect of employees of national companies who are transferred from State to State on construction projects, or indeed in respect of workers moving between States in search of employment. At present, workers such as those are not entitled to have service in other States recognised for leave purposes in South Australia, although provisions for reciprocity exist in Victoria, New South Wales and the Australian Capital Territory.

It is proposed that an agreement to give portability of service be made between those States and South Australia. As a first step, however, it is necessary that the Act be amended to enable effect to be given to the proposed agreement. To this end, the Bill allows the Minister of Labour to enter into a reciprocal arrangement with the relevant Minister of another State having similar long service leave legislation in respect of long service leave payments, the exchange of information concerning credits and entitlements and any other matters relating to long service leave.

Two other administrative amendments have been included in the Bill. When the Act came into operation and to the present time, the collection of contributions has been a function of the Commissioner of Stamps in order to make the task of calculating pay-roll tax and the long service leave levy, both of which are based on gross monthly wages, easier for employers. Since that time, however, the base of gross wages has changed to the current monthly award rate paid

to the worker excluding special rates or allowances such as overtime, annual leave loading, travelling allowances, bonuses, site allowances, dirty work, hot work, cleaning down brickwork allowances, etc.

A number of incompatibilities and problems have arisen in the vesting of the required functions by the Act in two distinct bodies, the Commissioner of Stamps and the Long Service Leave (Building Industry) Board. These difficulties were highlighted in a report by the Auditor-General which pointed to the lack of control and the confusion caused for employers by the existing division of responsibility. In his report, the Auditor-General said:

> ... Audit examinations revealed inconsistencies between numbers of workers registered with the Board and those advised by employers to the Commissioner of Stamps for contribution purposes.
>
> The need for implementation of measures to provide greater assurance that all employees are registered and contributions receivable from employers are collected, was raised with the Board.

As a result, the Bill proposes to vest the functions carried out by the Commissioner of Stamps under the control of the Long Service Leave (Building Industry) Board. This change would centralise the contribution, collection and control functions in the Board itself and will significantly improve not only the administration of the Act but also the position for employers and workers. It also reflects the stance taken in the legislation of other States where similar schemes have been established.

Finally, to further streamline the administration of the Act, the Bill includes the standard clause to enable the delegation of powers or functions from the Board to individual members of the Board or any other person engaged in the administration of the Act. This will ensure that decisions can be made speedily by appropriate and responsible officers, and will assist in improving the efficiency of the Act's administration.

In accordance with the normal procedure, the Bill has been the subject of consultation with relevant bodies including the tripartite Long Service Leave (Building Industry) Board and the Industrial Relations Advisory Council. Useful discussions have been forthcoming and both organisations have indicated their support for the proposals contained in the Bill.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends certain definitions contained in the definition section, section 4 of the principal Act. The clause makes amendments that are consequential on the proposal to have employers' contributions in respect of long service leave collected by the Long Service Leave (Building Industry) Board rather than, as at present, the Commissioner of Stamps. 'Employer' is presently defined under the section as a person or body that employs a person under a contract of employment as a building worker for the purpose of certain listed building industry activities. Paragraph *(i)* of the definition excludes any person or body where the building industry activities engaged in by that person or body are (taken together) subsidiary to other activities engaged in by the person or body. Subsection (3) provides the criteria according to which activities are determined to be subsidiary or not to other activities. The clause deletes paragraph *(i)* and subsection (3) and instead makes a provision the effect of which is that a person or body will not be an employer for the purposes of the Act if the person or body only engages in the construction, improvement, alteration, maintenance, repair or demolition of a building or a structure that is to be in continuing occupation or use by that person or body.

Clause 4 inserts in the principal Act a new section 15a enabling the Long Service Leave (Building Industry) Board to delegate to a member of the Board or any other person engaged in the administration of the Act any of its powers or functions under the Act. Clause 5 to 11 (inclusive) make amendments substituting for references to the Commissioner of Stamps references to the Long Service Leave (Building Industry) Board. The amendments give effect to the proposed rearrangement under which the Board is to take over from the Commissioner of Stamps responsibility for the collection of employers' contributions in respect of building industry long service leave payments.

Clause 12 amends section 28 of the principal Act. Subsection (5) of that section provides that a building worker who has not qualified for a pro rata payment or long service leave under the Act shall cease to be credited with an effective service entitlement in respect of service as building worker if he is not employed as a building worker for 18 months otherwise than on account of illness or injury. The clause amends this provision so that the period of such absence from the building industry is increased to 36 months. The clause also inserts a new subsection providing that a person shall be deemed to have been employed as a building worker for any period for which he has been employed to perform building work under a job creation scheme. This provision is to apply in relation to any such employment whether occurring before or after the commencement of the proposed new subsection. The provision is not to give rise to any liability to pay contributions, or any entitlement to be credited with effective service, in respect of any such period of employment. 'Job creation scheme' is defined as meaning a prescribed scheme for the provision of employment to persons otherwise unable to secure employment.

Clause 13 amends section 34 of the principal Act which provides for a pro rata payment where the Board is satisfied that a building worker has an effective service entitlement of not less than 84 months and—

(i) has died;

(ii) has ceased to be a building worker having attained the prescribed retiring age;

(iii) has ceased to be a building worker and will be unable to work for 12 months or more due to physical or mental disability;
or

(iv) has ceased to be a building worker and has not worked as a building worker for a continuous period of 12 months or more.

The clause amends (iv) so that, in addition, a pro rata payment will be payable if the Board is satisfied that a building worker (with an effective service entitlement of not less than 84 months) has ceased to be a building worker and will not be working as a building worker for a continuous period of 12 months or more. Clauses 14 and 15 make amendments deleting references to the Commissioner and substituting references to the Board.

Clause 16 inserts a new section 36e providing for reciprocal arrangements with other States or Territories where similar schemes for the provision of long service leave to building workers are in operation. The proposed new section authorises the Minister to enter into a reciprocal arrangement with the Minister responsible for administering a corresponding law in another State or Territory, being an arrangement relating to long service leave payments, the exchange of information concerning service credits and entitlements to long service leave payments and any other relevant matters. Where a reciprocal arrangement is in force, the Board is empowered to pay to the authority that is its counterpart under the corresponding law an amount towards a long service leave payment made by that authority that is based upon the relative periods of the building worker's service in South Australia and in the other State or Territory. Where a reciprocal arrangement is entered into, the provisions of the Act are, under the proposed new section, to be construed

as applying with such modifications as are necessary to enable the Board to give effect to and comply with the terms of the arrangement. Clauses 17 and 21 (inclusive) each substitute for references to the Commissioner references to the Board.

The Hon. B.C. EASTICK secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

The Hon. G.F. KENEALLY (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill makes a number of amendments to the Local Government Act designed to improve the administration of the Act, to ensure that it is given effect to in the manner intended when the legislation was enacted, to clarify areas where doubt about the intention of a provision has arisen and to remove obsolete provisions.

The principal amendment is that contained in clause 5, which provides that a member who fails to lodge either a primary or ordinary return as required by Part VIII of the Act, setting out certain prescribed information about his interests and activities, which may lead to conflict with his public duties, shall forthwith forfeit his office.

In recent months there has been much media attention paid to the grandstanding of a few local government members who say they have refused to meet their legal obligation, to lodge the required return under the Act and are prepared to be seen as martyrs for the cause by being imprisoned for their contempt of the legislation and the courts by failing to pay any fine imposed.

This irresponsible approach has brought discredit on the local government industry and in particular the great majority of members, who have acted responsibly and met their obligations. Their action avoids the real issue that a person who undertakes public office and is involved in public decision making must be prepared to demonstrate that his involvement is not for personal gain. If a person is not prepared to subject himself to such scrutiny, then he has an obligation to stand aside and make way for a person who is prepared to be openly seen to be acting in the public interest.

The amendment proposed by the Bill achieves this while, at the same time, providing an appeal mechanism for any person who can demonstrate that his failure to lodge a return was unavoidable in the circumstances. The Government's intention is that, using the provisions of clause 2 of the Bill, the operation of the amending clauses would be suspended until after the periodical election in May 1985 so that no person now in office would be affected by the amendment.

The other amendments contained in the Bill may best be described as 'house-keeping' amendments, designed to improve the administration of the Act and remove obsolete provisions. The amendments are explained in the clause explanations and may, if necessary, be further explained during the Committee stages of the Bill.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 amends the provision setting out the arrangement of the Act and is consequential upon the repeal of Part XXXVII of the Act (destruction of sparrows).

Clause 4 inserts a further provision in the interpretive section of the Act to make it clear that a reference in the Act to a person being absent means absence from duties of office and includes a reference to the situation where the person no longer holds office. This is particularly relevant to the office of Mayor or Chairman and the office of chief executive officer. The amendment will leave no doubt that a deputy, or some other person appointed under the Act, will be able to act in the case where a person is not performing the duties of his office.

Clause 5 will amend section 48 of the principal Act so that the office of a member will become vacant if he fails to submit a return to the chief executive officer within the time provided by Part VIII. However, in order to cater for the situation where a member could not for some good reason submit a return within the prescribed time, a member will be able to apply to a court of summary jurisdiction for relief from the operation of the new provision upon the basis that the failure to comply with Part VIII was unavoidable in the circumstances of his particular case.

Clause 6 provides for the repeal of section 50 of the Act and the substitution of a new section. After the enactment of the Local Government Act Amendment Act (No. 3) earlier this year, submissions were received that the insurance coverage required by section 50 was far wider than that which had been previously applying to councils. Upon the basis of these submissions the Government undertook a review of the scope of section 50 and decided that some revision was appropriate. It is therefore intended to substitute a new provision that will simply oblige councils to provide insurance coverage for each member of the council and any spouse or other person who may be accompanying the member, and will restrict the obligation to risks associated with the performance of official functions by members. Furthermore, in order to avoid the situation where councils could be considered to be obliged to insure against all risks associated with the performance of members duties, including those that are normally uninsurable, it is proposed that the coverage provided by a council simply be of a standard approved by the Minister.

Clause 7 proposes two amendments to section 58 relating to notices of meetings which would require the chief executive officer to post a copy of the notice and agenda for each ordinary meeting of the council in the principal office of the council and allow members of the public to obtain a copy of any such notice or agenda upon the payment of a fee fixed by the council. Clause 8 proposes various amendments to section 61 of the principal Act that are intended to match, in the Act and not necessarily in regulations, the provisions dealing with the convening of council committee meetings with those provisions dealing with meetings of the council as a whole. Accordingly, it will be provided that committee meetings are to be held at times and places appointed by the council or, if appropriate, the particular committee. Notices of meetings will have to be given at least three days in advance and displayed in the principal office of the council. Special meetings will be able to be called at any time. Requirements as to the form and content of notices will have to be followed. In relation to the times of meetings of committees, a committee will still be required to hold ordinary meetings after 5 p.m. unless all members of the particular committee decide otherwise, but a committee will be able to hold a special meeting at any time.

Clause 9 is included to overcome a possible problem relating to the chief executive officer's obligation to keep minutes if he is excluded from attending at a meeting pursuant to section 64. In such a case, the person presiding at the meeting shall be responsible for ensuring that minutes are kept. Clause 10 provides for clarification of the situation that is to apply if the chief executive officer is absent. It is proposed that section 66 (4) be revised to provide that in the absence of the chief executive officer his deputy will act in the office, if there is no deputy or he is absent, a person appointed by the council will act or, if a person is not appointed by the council (because of the occurrence of a disaster or an emergency, for example), a person appointed by the Mayor or Chairman, or any three other members, may act.

Clause 11 will amend section 69 of the principal Act so as to allow regulations to be made prescribing fees that may be charged for the performance by the Local Government Qualifications Committee of any of its functions. Section 69 presently only provides for the payment of a fee upon the granting of a certificate. However, it may be appropriate to impose fees for issuing appeals, conducting examinations, and so on. The amendment will allow regulations which will impose such fees to be made. Clause 12 will effect a minor amendment to section 93 of the Act to ensure that a company or group of persons shall not be entitled to vote at an election or poll unless a person has been nominated in accordance with other provisions of the Act to act as agent on its behalf.

Clause 13 rectifies an incorrect cross-reference in section 106. Clauses 14 and 15 provide amendments to Part VIII of the principal Act (register of interests) and are consequential upon the Government's decision to revise the sanction that will apply if a member fails to lodge a return within the time prescribed by the Act. It has been decided that the Register will not be laid before the council, although it will still be available to any member who may wish to inspect it. If a member fails to submit the return, the chief executive officer will be acquired to report that fact to the council and the Minister. It will still be an offence to submit a return under Part VIII that is false or misleading in a material particular.

Clause 16 proposes amendments to section 213a of the principal Act relating to the rate of interest that is to be paid on moneys credited to a ratepayer under subsection (3). Advice has been received from the Reserve Bank to the effect that the definition of 'prescribed rate' in subsection (4) is no longer appropriate. The situation is that the Reserve Bank simply specifies a maximum rate of interest that may be charged by trading banks on overdraft facilities with limits of less than $100 000. Alternatively, the Reserve Bank does provide certain special overdraft facilities to some Government accounts, but the rates of interest in these cases are kept confidential. Accordingly, it is intended to revise the definition and relate the rate of interest to that rate that is being charged by the council's bank on the council's overdraft facilities for its current account. At the same time, it is intended to insert a new subsection to clarify that the interest is to be paid on so much of the relevant amount as may from time to time stand to the ratepayer's credit.

Clause 17 provides for a new subsection to be inserted in section 214 of the principal Act to ensure that before a council declares a general or differential rate it consider and adopt an annual budget for the ensuing financial year and approve or adopt the relevant assessments. The Government is concerned that a council be fully aware of its estimated receipts and expenditures, and decide upon the relevant assessments, before it sets its rates. Clauses 18 and 19 propose the striking out of certain paragraphs in sections 288 and 289 concerned with the power of councils to expend moneys on providing personal injury insurance cover. These paragraphs may be deleted as the obligation to provide insurance cover under section 50, coupled with the general empowering provision in section 287 (1)*(l)*, are sufficient authority for councils to expend money on insurance premiums.

Clauses 20 to 24 (inclusive) alter references to a council survey in sections 322, 324, 331, 336 and 337 of the principal Act to the engineer. It is considered that the appropriate officer of council to perform the duties in these sections is the engineer. Clause 25 amends section 358 of the principal Act to provide that it is not an offence under that section to ride or wheel a pedal cycle or ride or lead a horse or other animal over a safety zone or median strip that forms part of a crossing-place across a public street or road. This amendment will ensure that there is no conflict between this Act and other statutory controls that relate to the use of refuges formed in streets or roads.

Clause 26 revises an out of date cross-reference to the Control of Advertisements Act, 1916, in section 363. The correct reference should be the Planning Act, 1982. Clause 27 changes the word 'surveyor' to 'engineer' in section 367 of the principal Act. Clauses 28 and 29 will amend sections 392 and 392a of the principal Act to provide that a scheme, or an amendment to a scheme, for work or an undertaking to be carried out by two or more councils jointly shall come into force upon a date to be fixed by the Minister when he gives his approval or, if no date is so fixed, upon the date that the relevant notice is published in the *Gazette*. It is often the case that schemes, or amendments to schemes, are submitted to the Minister well in advance of the date when they are intended to come into operation. The amendments will facilitate arrangements to bring schemes, or amendments to schemes, into operation on the appropriate days.

Clause 30 clarifies that section 530c is to operate in relation to effluent from septic sewerage tanks only and that a scheme under the section must be put forward to the Minister with the consent of the Central Board of Health (and not simply after consultation with that Board). Clauses 31 to 41 (inclusive) alter various references to 'surveyor' to either 'building surveyor' or 'engineer', depending on the purpose of the particular provisions. Clause 42 provides for the repeal of Part XXXVII dealing with the destruction of sparrows. The provisions contained in this Part are considered to be obsolete.

Clause 43 proposes various amendments to the by-law provisions of the Act (section 667) to strike out obsolete powers, make consequential amendments or rectify incorrect references. Clause 44 provides for the recasting of section 668 (2) in order to provide that no by-law made with respect to the suspension or prohibition of traffic on streets or roads, or the temporary closure of streets or roads, shall have force or effect until it is approved by the Road Traffic Board of South Australia. This will help ensure that action that may potentially restrict the proper flow of traffic will be subject to the scrutiny of the proper authority.

Clause 45 inserts a new subsection in section 679 to the effect that a resolution passed under this section that will result in the closure of a street or road must first be approved by the Road Traffic Board. Clause 46 alters a reference to 'surveyor' in section 778 to 'engineer'. Clause 47 corrects an obsolete cross-reference in section 781. Clause 48 alters a reference to 'surveyor' in section 789 to 'engineer'.

The Hon. B.C. EASTICK secured the adjournment of the debate.

AUSTRALIAN FORMULA ONE GRAND PRIX BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2 (clause 3)—After line 16 insert definition as follows:

"parkland" means land that is park land within the meaning of the Local Government Act, 1934:.

No. 2. Page 3, lines 9 to 13 (clause 5)—Leave out subclause (2).

No. 3. Page 3, line 20 (clause 5)—After the first word in that line insert '(being a person nominated by the person or body that nominated the member)'.

No. 4. Page 3 (clause 5)—After line 21 insert subclause as follows:

(5) If a person or body fails to nominate a person for the purposes of subsection (1) or (4) within one month after receiving a written request from the Minister to do so, the Governor may appoint a person nominated by the Minister, and a person so appointed shall be deemed to have been duly appointed under that subsection.

No. 5. Page 8, lines 27 and 28 (clause 19)—Leave out subclause (3) and insert subclause as follows:

(3) The Minister shall cause a copy of the report to be laid before each House of Parliament within 14 sitting days of that House after his receipt of the report.

No. 6. Page 10, line 25 (clause 25)—After 'Planning Act, 1982,' insert 'and the City of Adelaide Development Control Act, 1976,'.

No. 7. Page 10—After line 30 insert new clause as follows:

25a. The Board shall cause copies of the plans of all works proposed to be carried out by the Board to be available for public inspection at a place designated by the Minister by notice published in the *Gazette*.

Consideration in Committee.

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments be agreed to.

We have seven amendments from the Legislative Council. The first relates to insertion of the definition of 'parkland', which was introduced for the purpose of clarification. Amendments Nos 2, 3 and 4 relate to the appointment of deputy members and the failure of nomination of persons to be nominated by particular bodies. Honourable members will be aware that the clause currently provides for two persons to be nominated by the Corporation of the City of Adelaide and one by the Confederation of Australian Motor Sport. If a body fails to nominate a person, the Governor could appoint such a person.

The amendment leaves that power in the hands of the nominating body and, in terms of a deputy, it allows a person to be appointed as a deputy by the nominating body.

Amendment No. 5 refers to clause 19, page 8, and provides that the Minister shall table a copy of the report of the Grand Prix Board. Clause 19 refers to the annual report, and the amendment provides that the annual report shall be tabled in Parliament within 14 sitting days.

Amendment No. 6 refers to clause 25, which deals with certain Acts and laws not to apply to a declared area. It adds to those listed the City of Adelaide Development Control Act, 1976, which is one of the Acts affected by this area and which was not included in the original list. Amendment No. 7 inserts a new clause 25a, which deals with public inspection of plans of proposed works. Under this clause, the Board shall cause copies of plans of all works to be proposed to be carried out to be available for public inspection at the place designated. The amendments are all sensible, are aimed at the effective working of the Bill and, accordingly, I have moved that they be agreed to.

Motion carried.

CHILDREN'S SERVICES BILL

Adjourned debate in Committee.

(Continued from 5 December. Page 2244.)

Clause 15—'The Children's Services Consultative Committee.'

The Hon. MICHAEL WILSON: I draw the Premier's attention (although he should not need it drawn to his attention) to the fact that this consultative committee will co-ordinate child care and the Kindergarten Union or the consultative process of those two organisations, but it will not draw together any consultation from the Education Department child/parent centres. If it is desirable to co-ordinate child care and pre-school education, then it is just as desirable to co-ordinate the consultation process between them. Child/parent centres are represented at grass roots level by school councils, and I point out to the Premier that there is no provision here for any members of school councils at which child/parent centres are located to be incorporated in this provision. I am suggesting to the Premier that it is really desirable to have a tripartite consultation process rather than a bipartite or bipartisan approach.

The Hon. J.C. BANNON: There is nothing in the Bill that would exclude such representation; in fact, the six persons with appropriate diversity of experience refers to pre-school education, residential care, family day care and such other children's services as the Minister thinks fit. They, of course, also can be representative at the regional level, with the formation of the regional advisory committee; so, there is scope for such representation in the Bill.

The Hon. MICHAEL WILSON: I understand that. However, this Bill does not—

The CHAIRMAN: In fact, the member for Semaphore beat the member for Torrens, but I will recognise him now.

The Hon. MICHAEL WILSON: I thought that I was asking a series of questions and I know that in your inimitable style, Mr Chairman, you generally tend to favour that sort of thing.

The CHAIRMAN: The member for Torrens is allowed to ask three questions. This is the second.

The Hon. MICHAEL WILSON: I understand that, Mr Chairman. However, the situation is that this Bill does not deal with child/parent centres. If I can take the reply that the Premier gave to my last question as an intimation that this would be carefully considered, then I would be happy. I refer to clause 15 (2) *(e)* or even 15 (2) *(b)*. I raise this because I was approached in the past couple of days by representatives of the Association of Child Care Centres. The Premier will realise that that is the private sector organisation concerned with the privately run non-subsidised child care centres, and it has the ability to be brought into the net of this particular legislation. I would like an indication from the Premier that he would at least consider, if that occurs, that representation would be accorded to the Association of Child Care Centres.

The Hon. J.C. BANNON: I certainly will consider that consideration. If, as the honourable member says, they are brought into the net of the overall scheme, some level of representation would be appropriate. It would certainly be looked at seriously.

Mr PETERSON: I was a little hurt to think that it was insinuated that I do not ask serious questions. However, this clause is one of the clauses that was causing extreme concern to persons involved in kindergartens and children's services in my electorate. I am pleased to say that after consultation with the kindergartens in my electorate this morning, which was made possible by the adjournment of the Bill last night until today—

The Hon. Michael Wilson interjecting:

Mr PETERSON: I spoke to the kindergartens in my electorate. Did you speak to yours? Might I also say that with the very able assistance of Prue Archer from the Premier's Department, fears regarding this area and other areas of concern to my constituents have been satisfactorily allayed

and I will be supporting the Bill. However, the question that remains to be answered for my own information on this clause relates to clarification of how six and four persons in clause 15 (2) *(b)* and 15 (2) *(c)* will be put forward for consideration. Clause 15 (2) *(a)* provides that 12 persons will be nominated by the regional advisory committees, and clause 15 (2) *(d)* provides that three persons will be nominated by the United Trades and Labor Council. Clause 15 (2) *(e)* provides that four persons will be nominated by the Minister. However, under paragraphs *(b)* and *(c)* of clause 15 (2) there is no nomination procedure. I wonder how they would become eligible for appointment.

The Hon. J.C. BANNON: Unlike the other categories where there are direct nominations, as the honourable member points out, in both those cases it is, if one likes, at the Minister's discretion. The reason is simply that there are a number of diverse interests and I guess a large number of claims—too many to be accommodated totally. So, there has to be some element of discretion in it. However, in that element of discretion it would certainly be the intention that the Minister would seek nominations from the relevant organisations. The usual practice would be to ask an organisation to provide either two or three names that it thinks would be appropriate or in some instances perhaps less or just have an informal consultation. However, definitely the intention would be to seek nominations and the Minister, having got those from various organisations such as preschool educators, play groups, the toy library sector, and so on, would then be able to make a choice.

I think that it would also be envisaged that there would be over time a turnover of membership which would give opportunities for different groups to be represented progressively. However, in order to make this work it is clear that the persons on the consultative committee would have to have the confidence of the organisation or the area from which they come, and in that sense it is obviously important that the Minister consults with them and does not merely pick names out of a hat. So, I can assure the honourable member that there would be an approach with a request for discussions and formal nomination.

Mr OSWALD: The strength of the Kindergarten Union's success at present, I understand, is that the involvement of the parent has been paramount, and the numbers and formation of the existing organisations allow parents to have a major input, and that has been achieved by the number of parents that are allowed on the Government body. Will the Premier explain the rationale behind this change in policy in that the Children's Services Consultative Committee now reverses the former procedures whereby parents now become a small minority group on the administrative body? Also, while the Premier is on his feet, could he tell the House why it is necessary to have three nominees from the UTLC? I thought that one nominee could come along and report back just as adequately as could three. Is the Premier using the three to have a beefed up major union input into the administrative structure? Unless one is chasing numbers to dominate the parents' input, it is not necessary to have three representatives when one could report to the council just as adequately.

The Hon. J.C. BANNON: I do not agree that the parent representation is a small minority. On the contrary, I would have thought that 12 persons represented a very significant input. Incidentally, out of any of those other categories *(b), (c), (d)* and *(e)*, one would envisage that there would probably be people who are parents or who understand the interests of parents. The difference between this consultative committee and the Kindergarten Union, the model to which the honourable member is referring, is that this is meant to be a broad, all-embracing consultative committee representing a range of interests and that is reflected in the second point that the honourable member raised, namely, the representation of persons nominated from the UTLC; in other words, those people involved with the industrial interests of employees in the various sectors of children's services. In this instance, three major organisations have the award coverage and it is therefore convenient to have an opportunity for each of them to be represented. How the UTLC within its councils organises that representation is up to that body but its practice has always been in cases like this to ensure that those affiliates with direct representation have the right to see their nominees on the council.

So, I think it is a very good balance on the council. There is no intention to swamp parent representation; although they are a minority, they are a very significant component of the council and are balanced by the various other groups. This structure, which has been arrived at after considerable consultation, has had its critics. Some say it is too large a body, but if it is too small one cannot accommodate sufficiently the interests involved. There has been a good balance achieved here. If it proves in practice that there is an imbalance of representation, or that there are problems, obviously it can be looked at again but this structure should be workable.

Mr OSWALD: I would like to air the concern of some of the kindergarten committees in my electorate. When one looks at the setting up of high school councils, we do not by legislation ensure that there are more teachers on the school council than there are parents represented and that is done carefully by design. However, if the numbers are down I know that teachers can make up the numbers but it is desirable that there be more parents. It is of concern to the kindergarten committees that, with 12 parents as against 17 people appointed by the Minister, although the Minister can perhaps put some parents among that 17, he may not necessarily do that. It has been this long tradition of partners that has, by having a greater input from parents coupled with the long experience of staff, led to the Kindergarten Union being as good as it is today and such a wonderful asset to South Australia.

There are people in the community who are concerned that the type of child care that is being provided in teaching kindergartens will deteriorate under this new arrangement. Any step away from giving parents a say, or even a controlling say, in the teaching of their children at kindergarten level is to be avoided. I cannot emphasise enough that there is concern in the electorate that parents now are being placed in a minority role in the administration affecting their children in kindergartens. If this Bill could be held over until February next year, perhaps the Minister and his staff could have another look at that concern and perhaps take the opportunity in the new year to do something about increasing the number of 12 under paragraph *(a)* so that parents can have a greater input into the consultative committee.

The Hon. J.C. BANNON: What the honourable member is saying is a misconception of the Children's Services Office. We are not attempting to reproduce the Kindergarten Union's structure and it has been an unfortunate fact that the whole debate that we have had, both in the second reading and in Committee, seems to be revolving around kindergartens and nothing else.

The Hon. Michael Wilson: There are other interests.

The Hon. J.C. BANNON: Yes, as the honourable member says, there are other interests involved which are embraced under the CSO and therefore must have representation on the committee. However, it is not a case of staff being a majority over parents; if it was a Kindergarten Union struc-

ture that may be so. Within those categories there are areas that do not have staff—playgroups, for instance: there will be parents representing those particular strands of children's services. The parents as nominated by regional advisory committees will, I believe, be joined by a number of other parents in different sectors from kindergartens, and that is a very welcome and important part of this whole co-ordination effort that has been made in children's services.

Mr MATHWIN: I suggest that it is a fairly heavy committee; there are nearly 30 people to be accommodated. Although it is desirable, I agree, that there be a fair representation of people with interests in this area, 29 seems to be a fairly large committee to control, but that is the Government's decision to have it so large. I understand the remarks made by my colleague, the member for Mawson, concerning parents but there is no mention made of staff. I presume that staff will be nominated but there is nothing in the Bill to say that that has to be so.

The Hon. Michael Wilson: They could be nominated under paragraph *(b)*.

Mr MATHWIN: Yes, it could come under paragraph *(b)*, but it does not mention anything about staff. There is no specific mention of staff at all in any of the paragraphs to clause 15. Does the Premier realise that, or is it to be taken for granted that that would happen? I suggest, with due respect to the Premier, that he look at that matter because I think it should be mentioned somewhere in the Bill.

I draw attention to the provision of three persons to be nominated from the UTLC. I do not want the Minister or the Premier to think for a moment that I am union bashing—I am not. However, it seems that about 10 per cent of the people on this committee will be trade union representatives from Trades Hall, and I do not see the point in that at all. Using the criterion, that when electing members of these committees and boards, that it is Party policy to have representation from the Trades Hall, I do not disagree with that entirely. However, I do disagree with the fact that it seems to be weighted pretty heavily. There are a number of unions represented from the workers' sphere in this area, and I think that it is top heavy. This is a bit unfair, because there could be other people being represented on that committee. If one is to base the criterion on the number of unions represented in the area, heaven help us when, if we ever do, we set up a committee representative of the building trade. Will it be suggested under that criterion that it should have 50 members from different trades within the UTLC, because that is what the Government reckons is right and what should happen? That would be unfair, and I do not say that in a nasty way: it would be unfair to the other people involved in the whole arena.

In relation to the provision for four people nominated by the Minister to be members on the committee, I suppose that details of prospective members will be forwarded to the Minister to enable him to make his choice. Perhaps the Premier might like to give some explanation to the matters I have raised.

The Hon. J.C. BANNON: In relation to the size of the committee, I have already dealt with that point. As the member acknowledges, if there is to be a decent representation of interests (and there are many interests involved here), one of the prices to be paid is that there must be a large committee. A similar structure has been adopted for the Secondary Schools Advisory Board, and apparently that is working quite effectively. For a consultative committee of this kind, I do not think there are any major problems. As to the staff component, in a sense the member has taken the opposite view to that of the member for Morphett in his previous question by suggesting that a staff component should be enshrined. It is true that no specific reference is made to a staff component, but in fact staff members can be nominated under the various categories, and I am sure that they will be. The focus of the structure is on community consultation—user consultation.

The three union representatives, of course, embody staff interests (certainly, the aspect of staff industrial interest) and thus provide staff with immediate access in that area. The three main unions involved are the Public Service Association, the South Australian Institute of Teachers and the Federated Miscellaneous Workers Union. They broadly cover the various categories of employment in this area. In cases like the building or metal trades, as the honourable member mentioned, there are organisations of joint union representation which make this quite possible. In this case there are three major unions, and if it is possible to give them the opportunity to be nominated through the TLC I think that it is appropriate that that should be done. That also ensures that that industrial component is properly represented. I do not think the members objections stand up when this is examined in a way that I have illustrated in relation to the actual task that the consultative committee has to perform.

Mr MATHWIN: I am not fully familiar with the set up. Which workers in this area would the Miscellaneous Workers Union cover? Staff of kindergartens have been worried that, if we followed the lead of Western Australia, kindergarten teachers would lose their profession, as it were, and would be obliged to join the Miscellaneous Workers Union. That union was referred to in a Western Australian Bill which is similar to the Bill that we have before us and which has been put into operation by the Western Australian Government. Teachers and staff have grave fears in relation to that matter. This concern was expressed to me by a number of teachers not only from kindergartens in the area that I represent but also from kindergartens in other areas around Adelaide. I did not solicit that information. Those teachers simply came to me and expressed their concern. Which workers does the Miscellaneous Workers Union cover? It seems to me a little odd that that is one of the three major unions to be represented on this committee, in which case it could be suggested that we might be following the example set in Western Australia.

The Hon. J.C. BANNON: Apart from categories of ancillary or outside staff, the main workers covered by that union will be the child care workers. Demarcation lines are fairly clearly drawn in South Australia. Obviously this is a matter for negotiation between the unions and, ultimately of determination by the industrial tribunals. I do not think it is proper for an Act of Parliament to specify categories of union membership. I do not think the situation described by the honourable member will arise. I am not aware of the problem in Western Australia; it certainly has not been flagged as a concern here. I believe that with common sense and the appropriate industrial coverage remaining we should not find any difficulties in this area.

The Hon. MICHAEL WILSON: In relation to subclause (2) *(a)*, which provides for 'twelve persons, being parents of children, nominated by the regional advisory committees in accordance with the regulations', I am assuming that the nomination process will be by election, which I think is the most democratic way of doing it. Also, in relation to subclause (2) *(b)* I assume that the Minister would have regard to a representative of staff from each region. By doing that there would then be two parents and one staff member nominated for appointment to the consultative committee by whatever means stipulated in the regulations (and I am assuming by election) from each of the six regions. That seems to me to make sense, and I recommend that to the Premier.

Mr BAKER: I indicate my distaste for this provision. I am sure that in my absence members on this side of the

House have clearly demonstrated to the Premier that this provision, which is supposed to provide the care providers and the parents involved with a means of communicating with the Minister on a wide range of subjects, is totally inadequate. Of course, it provides very little protection and offers no real hope that the Minister will take any notice of the recommendations of whatever group is involved. This has virtually no teeth, and is very limited in its application. More importantly, it does not stipulate that various sectors of the system will be adequately represented. For example, subclause (2) *(a)* provides that 12 parents of children, nominated by the regional advisory committees, will be appointed.

In another part of the Bill later we find that the regional committees will be comprised of a wide range of people, including staff and parents, yet subclause (2) *(a)* stipulates that the appointees shall be parents. I find this quite strange in view of the fact that so-called democratic bodies will be set up in the regions to advise various organisations in the area, whether associated with child care, pre-school, as well as, eventually, CAFHS, and others such as toy libraries, and so on. One would have expected that each of those bodies would be represented on a regional advisory committee, which will have two roles: one in terms of the region and the other to provide input into the centralised system. However, these so-called democratic bodies have to elect two people who are not representative of the consultative committees, and I find this quite at odds with the subsequent provisions in the Bill. The Premier may wish to respond to that point. No doubt, my colleagues have already covered the point that people associated with, say, child care or pre-school facilities or toy libraries will not necessarily have any say at all on this consultative committee. There is nothing in the Bill that preserves that right. No stipulation is made that, in the process of selection, democratic representation for groups, according to their involvement, or whatever, will be provided.

Nowhere in the Bill is there a principle. There will be 12 parents from a body which has very wide representation; six persons nominated by the Minister; four persons nominated by the Minister in respect of representative groups; and three persons nominated by the United Trades and Labor Council. The Minister will accept whatever the United Trades and Labor Council puts forward: he does not even wish to determine whether they are the best people possible. He has not left in a get-out clause which says that the United Trades and Labor Council shall nominate at least three persons from whom the Minister will choose. He has said that he believes that the UTLC is quite capable of electing its own members, but none of the other groups are so capable. There will be another four persons nominated by the Minister. That total committee cannot be representative of all people involved in child care.

There is no rule that says that the Minister shall within the confines of these rules ensure that there is proper representation from all areas of child services, so that we believe the Minister will have full and adequate consultation and feedback from the system. I believe that a number of people in the community see this as the final straw in this new Bill. Even when the Premier can take a small step forward and ensure that they did have representation on the consultative committee which has few teeth, he could not even get that right. I find it strange that he has created a whole lot of tensions because of his lack of willingness to do even one of the simplest things that he could have done.

I oppose the Bill, as the Premier knows full well. I also believe that this clause, if the proposition of the Bill is ever to be acceptable, has to be couched in quite different terms so that the people in the field, whether they be in child care, pre-school, or toy libraries can feel that they have a say in the system.

Clause passed.

Clause 16—'Term of office of members.'

Mr MATHWIN: In this day and age, when we are trying to make legal jargon more understandable, I draw attention to subclause (2) which states that the Governor may remove from office on various grounds and note that subclause (3) *(a)* states 'he dies'. It would be a sad thing if a person died and the Governor refused to take him (or her) off the committee. I would say that the wording should be altered so that the Governor has to remove a person from the committee if he dies. I believe that is ridiculous legal jargon. I do not think we need that at all.

The Hon. J.C. BANNON: Members often make a mistake when reading Statutes. Subclause (2) is separate from subclause (3). The subclause deals with the terms under which the Governor may remove a member of the committee, and there are three grounds under which he may remove a member. Subclause (3) refers to a vacancy. A vacancy can come about through four eventualities, one of which is removal from office. The clause has to be worded in that way. If you then ask why does it have to be said that the office becomes available if someone dies, the answer is that a person is appointed for a term and unless it is said that it is vacant, even though the person is unable due to death to exercise his function, it may well be that he could be deemed to be the person occupying that office.

Clause passed.

Clause 17—'Allowances and expenses.'

The Hon. MICHAEL WILSON: Does the Government intend to pay allowances and expenses to the members of the consultative committee and, if so, within what range will it pay and will it be expenses only or will it include allowances? Has the Premier any idea? I will be interested in the answer.

The Hon. J.C. BANNON: I am afraid I cannot give an immediate answer. I imagine that expenses certainly would be paid and some scheme would be laid down for that. As to allowances, I am not sure. The normal practice is for the Public Service Board to establish a range of committee fees where committee fees are appropriately paid, but I do not think any determination has been made in this instance. Obviously, the clause is there as an enabling clause if at some stage it is deemed appropriate. I will make some inquiries as to what discussion has been held on this question and supply an answer to the honourable member.

The Hon. MICHAEL WILSON: I will be grateful for that because I look forward to the answer. I do not want to appear to be parsimonious but there are many people in the community who give their services voluntarily to organisations such as this. Certainly, apart from the board members of the Kindergarten Union, I am not certain whether the members of its council or regional councils are paid for their services. I think one of the great things about South Australia is that people are prepared to give their services on a dedicated basis and voluntarily because they really believe in what they are trying to do. They really believe in the input they are trying to give. Of course, they like to see the results of that input taken up at managerial or Government level.

I say that because there is a tendency now, whenever we set up these advisory committees, to believe that we have to pay their members. In some cases, of course, it is necessary, when people have a very onerous job to do on these advisory committees, although I am not convinced that all those on advisory councils who are paid now actually really need to be paid out of the public purse. I am quite happy about expenses being paid as long as it is restricted to expenses and not expanded expenses, as we tend to get in some areas.

If the Premier intends to pay members of the advisory committee, say, $1 000 a year, the total sum would be $30 000 and I do not know whether that is the sort of figure bandied around as expenses or allowances but it could get extremely expensive. I think one of the great advantages of the Kindergarten Union (although the Kindergarten Union Council comprises more than double the number of members of the consultative committee) is that these people give their services voluntarily and in a spirit of dedication.

Mr BAKER: I wholeheartedly endorse the comments made by the member for Torrens. There has been a tendency by Western and Australian Governments to set up advisory committees and a whole range of other committees and organisations to be attached to semi-Government authorities, or whatever. There has also been a tendency to pay people for their involvement in these organisations. Many of the organisations have evolved, not for commercial reasons but from community groups, and there needs to be a change in structure according to the changing need. As soon as money is involved in the system we have a tendency for positions to be determined on other than merit. Whilst in Australia patronage does not reach to the extent it does in America, there are many examples in the *Gazette* every week where people of a certain political persuasion close to the Government are given positions on boards and authorities.

It may well be that the Minister determines that that person is most suitable because it will mean the implementation of Government policies. However, I know from some of the names I have seen that individuals have lacked competence and I cannot believe that the Minister, the Premier or whoever has appointed that person has done so because they are going to implement Government policy or going to contribute to the organisation concerned.

Mr Mathwin interjecting:

Mr BAKER: You certainly do not. There has been this unhealthy tendency. However, I believe that expenses of travel and meals when people meet away from their immediate locality are an important component to get the right people so that they will not be materially disadvantaged. In many cases people do not wish to be paid. As soon as we put pay into the system there is the risk and opportunity for persons of a particular political persuasion to be placed in a position as a pay-off, whether it be for friendship or because a person comes to a Minister or member on either side of the House and says that they would like a job of some sort, that they have given good service or helped in the last campaign, or a whole range of other reasons.

Since the early 1970s there has been an unhealthy growth in that area. On many occasions in the *Gazette* I see names of people whose background I know. I know in my own mind that they have been put there for one reason only, and that they will be materially advantaged by the position they have gained. That is quite unhealthy. I thoroughly endorse the comments made by the member for Torrens. The greatest dedication comes from the voluntary area and not from paid personnel. People who really wish to contribute will come forward and contribute.

The Hon. J.C. BANNON: The imputations cast by the honourable member are quite unworthy of him, and I put that on the record.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—'Functions of the Committee.'

The Hon. MICHAEL WILSON: I refer to subclause *(b)* which provides:

> To identify and assess the needs and attitudes of the community in relation to children's services and to advise the Minister and the Director . . .

To 'identify and assess' means a need to carry out some research. We cannot identify and assess without having some research potentiality or function. If that is the case, the Director would have to provide the committee with some staff other than secretarial back-up. Has any consideration been given to the words 'identify' and 'assess'? If the consultative committee is to carry out its function properly in identifying and assessing needs in the community (for instance, it may have to survey the public), it is going to need something more than secretarial back-up.

The Hon. J.C. BANNON: I would anticipate that the committee would have access to the resources of the Children's Services Office, which obviously would include research components. They would probably have access to other areas of Government or education research and, one would hope, to the Commonwealth. For this consultative committee to operate properly it will have to be adequately serviced, and that is the intention.

Clause passed.

Clause 21—'Regional advisory committees.'

Mr MATHWIN: I draw the Premier's attention to current policy at the Education Department which is to do away with the word 'regional' and substitute the word 'area'. I recently questioned Education Department witnesses on the word 'area' during a Public Works Committee hearing. I was informed that it was Government policy to use the word 'area'. Surely in this new legislation where we see the word 'regional' used many times right throughout this clause, as well as in the heading of Division IV, there should be some uniform policy. Has the Premier realised this and has it been done by accident or design?

The Hon. J.C. BANNON: I am not aware of any general Government policy for there not to be regions or for that term not to be used. In regard to the Education Department, that policy could apply to the reorganisation of the Department where formerly it was organised on a regional office basis. In order to distinguish that existing framework from the new area co-ordination going on, the term 'area' is being used. It would be a matter of policy within the Education Department to make that distinction clear. However, in this case 'regional' is the term used and generally known in the various sectors of children's services, including the Kindergarten Union. It was felt appropriate that the term remain so that people can relate to it. In this instance the regional committees and regional areas will be defined broadly as they are at present.

Mr MATHWIN: The Department was quite emphatic that that was the situation and the policy of the Department upon my questioning its officers. Perhaps the Premier should converse with his Minister of Education, who I presume will be the caretaker of this legislation.

Clause passed.

Clause 22 passed.

Clause 23—'Terms and conditions of office of members of regional advisory committees.'

The Hon. MICHAEL WILSON: Will the Premier give an undertaking that, before the regulations concerning the conduct of elections of regional advisory committees are brought down, people in the field will be consulted before gazettal?

The Hon. J.C. BANNON: Discussions are going on along those lines at the moment. Obviously, the regulations finally produced will be the subject of discussion.

Clause passed.

Clause 24 passed.

Clause 25—'Business of child care not to be carried on without licence.'

The Hon. MICHAEL WILSON: Unfortunately, my colleague the member for Mount Gambier, who was to lead for the Opposition on clauses 25 to 48, is involved in the

deadlock conference with the Upper House on the Equal Opportunity Bill. One problem in trying to get everything through in the last week of the sittings is that some members are prevented from playing an active role because they must be elsewhere. If there is not much questioning on these clauses, it is because the clauses are a direct lift from the Community Welfare Act and not because Opposition members are not concerned for child care (of which we were accused yesterday).

The Hon. J.C. BANNON: I take the point. Indeed, the Minister of Community Welfare is similarly engaged. As clauses 25 to 48 make only minor changes to the existing provisions of the Community Welfare Act, they probably need not be questioned at length.

Clause passed.

Clauses 26 to 32 passed.

Clause 33—'Application for approval of family day-care.'

Mr BAKER: Should not 'family day-care' be defined? At present, the providers of family day-care may participate in the subsidised child care scheme under which a certain remuneration is paid and certain protections and benefits are provided by the Commonwealth Government. However, I understand that State legislation is required to enable the Commonwealth scheme to operate.

The Hon. J.C. BANNON: I am advised that there is no problem in this respect. Anyone receiving finance at present under the Commonwealth Act will continue to receive it. The provisions of the Community Welfare Act enable that scheme to continue. Clause 33 (1) *(a)* defines family day care as being care 'on a non-residential basis in a family environment away from their own homes and apart from their guardians and relatives'. That is a standard definition and no further definition is required in the interpretation clause. The definition in subclause (1) *(a)* shows the essential difference between family day-care and baby sitting agencies, to which the honourable member referred last evening.

Mr BAKER: I understand that arrangements have been made for the provider of day care to sign a contract with the Department for Community Welfare saying that the provider will observe certain restrictions and responsibilities. I had imagined that that would be included either in this legislation or in the regulations under it because, without legislative backing, such contracts are of only limited value. Further, I understood that the Commonwealth Government had insisted on complementary State legislation on this matter. Should such a provision be included in this Bill or will it be provided for later?

The Hon. J.C. BANNON: I do not fully understand the honourable member's question but, to the extent that I do understand it, it is reflected in the legislation. Clause 33 (1) *(b)* points to two categories of person who hold a licence either under this legislation or under the Community Welfare Act. Persons not holding a licence under either Act may apply for approval, which can be given subject to certain conditions. So, I should have thought that all eventualities were covered in the existing legislation.

Mr BAKER: Will the Premier consider the matters that I have raised? I understand that the Commonwealth Government requires something more than the provision that is before the Committee. If the Premier finds that no further legislation is required, the matter will rest but, as I understand that the legislation is deficient, I ask the Premier to consider the matter.

Clause passed.

Clauses 34 to 41 passed.

Clause 42—'Registration.'

Mr BAKER: This matter was also raised with me by two people who had had an opportunity to look through the Bill. The question of constitutions and approval thereof raises a number of possible problems (not necessarily actual problems) in the minds of the people concerned. Pre-school centres maintain that their constitutions have been agreed to by the Kindergarten Union. There is some suggestion that there is a possibility that the Government could interfere with the running of kindergartens or pre-schools and that it could use this provision to ensure that it has the right to interfere in the setting of fees and many other arrangements which have traditionally remained within the province of the kindergarten itself. I seek an undertaking from the Premier that the provisions will be no more stringent—and they are fairly stringent in the case of the Kindergarten Union—than those required by the Kindergarten Union in the case of pre-schools.

The Hon. J.C. BANNON: I do not know what are the precise requirements but this clause is very similar to the current process for registration of a branch kindergarten. Its format has been drawn from the existing Kindergarten Union structure. I would have thought that in large part it would reflect the practices that have been adopted.

Mr BAKER: That really did not answer the question, in deference to the Premier. I recognise that it is almost a straight lift. The fear was expressed that in the running and management of kindergartens certain discretions, responsibilities and matters of money management are contained in the constitutions. It could well be, if we take it to a possible situation, that the Minister could require certain elements in those constitutions which have to reflect a Ministerial requirement.

For example, it may well say that the constitutions have to be changed to reflect that the Minister has a right to have a say in the setting of fees, which is now the province of the kindergartens. First, is this requirement purely to ensure good management or, secondly, is there a possibility that the constitution of the children's services centres will have to be altered in some way to fit in with possible changes of arrangements that the Minister (whoever he may be) may be making?

The Hon. J.C. BANNON: Those fears are groundless: I am surprised at them. I regret that fears have been stirred up in this area on some occasions; on others, perhaps it is through lack of information. Why people approach any change with fear rather concerns me. I would have thought that the whole process that has gone on in the introduction of this Bill was such as to allay fears about change. If an organisation's constitution is adequate now, it will be adequate in the future.

That does not mean that it may not have to change at some time, but I should have thought that it would change by whatever were the appropriate processes. I repeat that this is no different from the powers and schema that previously existed. So, people do not need to be fearful in this area. If it was a fundamental change and their constitutions were all to be totally rewritten, they might have fears. However, that is not the case.

Clause passed.

Clauses 43 to 50 passed.

Clause 51—'Recognised organisations.'

Mr BAKER: This clause deals with the interests of significant numbers of officers and shall be done by notice published in the *Gazette*. I want to clarify one aspect. No doubt, if industrial history of this State and Australia is any guide, considerable work will be done by the three unions involved to increase their membership. There could well be some entry by other bodies into the field, their believing that the people who are covered under this clause fit within their ambit. Is this procedure of recognition of organisations consistent with the existing provisions in other areas?

The Hon. J.C. BANNON: Yes, it is a standard clause.

Clause passed.

Clause 52—'Registered Children's Services Centres exempted from land tax.'

The Hon. MICHAEL WILSON: Under the Kindergarten Union Act the union or any registered branch kindergarten shall be exempt from any gift duty (this has obviously changed now), any land tax, as such, which is mirrored by this clause, and any rates under the Local Government Act, 1934-1974. Why are registered children's services centres not to be exempted from rates under the Local Government Act?

The Hon. J.C. BANNON: We hope that they will be. That is being pursued at the moment, but it needs further discussion with the Local Government Association. That would be effected through an amendment to the Local Government Act, not to this provision. There do exist kindergartens that are exempt, and that exemption is continued. If the member looks at clause 2 of the first schedule he will see that that exemption is preserved. We hope that it will be extended: discussions are taking place on that basis.

Remaining clauses (53 to 57), first and second schedules and title passed.

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That this Bill be now read a third time.

The Hon. MICHAEL WILSON (Torrens): The Opposition said at the second reading stage that if the Bill was not withdrawn by the Government it would have to oppose it for the reasons that it enumerated then. I know that I am not at liberty to discuss that but, as the Bill comes out of Committee, it is not satisfactory to the Opposition. Therefore, the Opposition will continue to oppose it.

Mr M.J. EVANS (Elizabeth): I would like to take the opportunity at the third reading stage to explain my position on the matter. I fully support the Government in its initiative to reform and upgrade the delivery of services to young children. This is a very important area of public policy, and I am pleased to give my support to the principles in the Bill as it has emerged in the Committee stages. However, a number of my constituents previously raised with me, some days after my election, matters relating to the timing of the Bill. Some of those constituents who rang me were in favour of the urgent passage of the Bill: others were concerned with the speed—indeed some alleged haste—with which the matter was to progress through this House.

Accordingly, I raised this matter with the Minister, as did my colleague the member for Semaphore. The Government kindly agreed to delay the completion of the debate until today, and I appreciate the Government's courtesy in providing this breathing space on this important measure. I have taken advantage of this opportunity to contact some of the people who have raised this issue with me and I have also studied the responses of the Premier and the Minister of Education to the debate in this place yesterday and, indeed, at an earlier hour this morning.

I believe that it would now be appropriate for this Bill to proceed as a measure of Parliament's commitment to the welfare of young people in this State. Its fate in another place, of course, is a matter of speculation, but I am sure that the Bill will ultimately become law, as it certainly deserves to be. I want to emphasise that no-one who has contacted me is opposed to the concepts embodied in the Bill. Some are opposed only to the timing of the Bill and the speed of its introduction and passage through this House.

However, I would like to take this opportunity with your indulgence, Mr Speaker, to make a general comment. It is not my intention to use my position in this place to destabilise the Government in this State in any way.

I campaigned on the basis that the Government would have my full support except where the interests of my electorate were at stake. In this case, my electorate will certainly benefit from this review of children's services. I certainly do not intend to take any kind of stand against legislation that will be of such advantage to children and young people in my electorate in the way that this Bill will. I am confident that I can achieve more for my electorate by negotiation and discussion with the Government and with officers of the Government, as I have been able to do in this case in achieving a delay of one day to enable me to contact people in my electorate and explain to them the purposes and function of this Bill and to enable me to put the points that were raised in debate yesterday and at an early hour this morning by the Premier and the Minister.

I can now say with some confidence that the people in my electorate who raised the issue with me originally are now satisfied with the intent of the Bill. As I said before, none were opposed to the concepts behind it but only to the timing of it, while others were strongly in support of its immediate passage. Therefore, it is with confidence that I will support the third reading of this measure.

Mr MATHWIN (Glenelg): I support the member for Torrens who has explained the situation in regard to our side of the House on this matter. However, I would draw the attention of the Government to the schedule in relation to transitional provisions and the transfer of staff of the Kindergarten Union of South Australia, which states:

2. (1) This section applies to employees of the Kindergarten Union of South Australia who were so employed immediately before the commencement of this Act.

(2) Subject to subsection (3), all persons to whom this section applies shall, on the commencement of this Act, become employees of the Minister on terms and conditions determined by the Minister.

(3) On the commencement of this Act—

(a) a salaried employee to whom this section applies who is specified in a notice published by the Governor in the *Gazette* shall become an officer of the Public Service in a Department specified in the notice, at the salary and classification specified in relation to him in the notice;

and

(b) an employee to whom this section applies (not being a salaried employee) who is specified in the notice referred to in paragraph *(a)*, shall become an employee of a Minister specified in the notice, upon terms and conditions fixed by the relevant Minister.

(4) The transfer of the employment of a person to whom this section applies shall be effected without loss of accrued recreation leave and without prejudice to, or interruption of his accrued or accruing rights in respect of sick leave, accouchement leave and long service leave arising out of his service with the Kindergarten Union of South Australia.

I point that out in the full knowledge that already the Government has placed notices in the South Australian press advertising positions in this area at a lesser salary than that which people are now receiving. I ask the Premier to take some account of what I have said, because I believe that, in part, the Bill is contrary to what the Government has promised the employees concerned.

Mr BAKER (Mitcham): We on this side of the House have participated in a very long debate on this subject. It is a debate that I feel sure could have been contained to something of the order of two hours if everything had been done properly by the Government. We could have expressed our opposition to certain measures, provisions and clearly stated our position without facing this sort of situation that always seems to arise particularly in the last weeks of Parliament with Bills that are suddenly introduced.

Mr Groom: It never happened when you were in Government?

Mr BAKER: I am not talking about what happened before. I am saying that as a general rule the introduction of Bills at this time of the sittings of the House is quite disgraceful unless, of course, there are some very mitigating circumstances. We have a Planning Act Amendment Bill before us today which one Minister believes is very important, whereas, in the case of this Bill, we have had more of the order of a year to get the collective act together. I wish to make three observations. First, an organised campaign took place in the suburbs with all the organisations involved to promote certain of the Government's premises. I am not saying that that is wrong in any way, but it did happen. There were certain pressures that underlined some of the things that were happening in the field. I realise that a Government committed to this course would use every means at its disposal to gets its way. As I mentioned in the early part of the debate, I believe that the whole thing started on the wrong foot and finished on the wrong foot.

Secondly, if the Premier, who I now believe will have the opportunity of two months of reflection, can look at the other model that has been placed before him by the shadow Minister and think about some of the benefits that pertain there, he may well be persuaded to change his mind on the matter. Thirdly, having been in the public sector for some 20 years and understanding that in this particularly emotive area we are dealing with young children's lives and their futures, I believe that if this Bill is passed there will be an enormous need and demand for more personnel in the system.

There certainly has to be some upgrading of the system, but what we will see will be a burgeoning of the Public Service to meet the demands of the individuals in the system. As I said, it has been done in the wrong way from the very start, and what we are finishing with is a half baked Bill that does not follow the Coleman Report. It does not satisfy me, many people in the field who are providing a service, or the parents who have some fears about the future, and it does not meet the criterion that I think is necessary in all legislation: competence. There are a number of areas in this Bill which, owing to the lateness of the hour and the other legislation that we are about to debate, have not been covered. We have not even canvassed those issues.

So, it may well be that they will have to be canvassed either in the Upper House or back here in February and we will have to start the whole ball rolling again. It was obvious to us that any continuation of the debate in this area would be purely for the sake of opposition. I think that the Premier is well aware of our opposition to this measure, and I hope that in the period I believe he will have available to him he will see some light and change the very tenets upon which this Bill is based.

Mr GUNN (Eyre): I have listened with a great deal of interest, both in this Chamber and out of it, to what has been a lengthy debate. It is unfortunate that this measure will be pushed through today. I received copies of the Bill only yesterday, and they were posted out this morning to my electorate, so that it will not be possible for my constituents who will be affected by the provisions of this legislation to contact their member. I know the Government will say that these discussions have taken place over a long time. That does not mean anything, because the discussions in this Parliament are based on the legislation before the Parliament. It is not good enough to have a public servant running around the country discussing matters with constituents and organisations unless they have before them the final draft of the Bill.

I am one who believes that the role of kindergartens, preschools and such undertakings is one of the most important roles in which the Government and the Parliament can involve themselves. I have taken a great deal of interest in the organisations concerned in my electorate, and they are many and varied. I know the difficulties that those people have had. There are organisations being run by volunteers under the most archaic and difficult conditions. Moreover, I do not believe that it will make any difference to those conditions whether or not this Bill is passed. When those people come back in February, I do not believe that this document will make one iota of difference. There has been a lot of people running around trying to boost their egos.

I hope that this legislation is dealt with appropriately and that it will be left until February for the Upper House. I understand that a lot of dedicated, hard working people have been involved in endeavouring to improve the administration. I am not sure whether this legislation which is about to be put to the vote will do that: I sincerely hope so, but I have grave doubts. During the debate I could have, like other members—and I do not think it would have served any purpose—listed chapter and verse the problems, complaints and difficulties in my electorate. I have here a file full of them, but other members were able to do that. It is unfortunate that we had to sit until 2 a.m. today to push this legislation through the House and that it has had to proceed with such haste.

My concern is for the welfare of the pre-school organisations of this State, and it is unfortunate that we will see the demise of the Kindergarten Union. I do not believe that the people who will be affected by this legislation are fully aware of what the Government and the officers involved had in mind and, again, that is unfortunate. I wish to support strongly the course of action recommended by the member for Torrens, and I sincerely hope that my colleagues in another place put the Bill aside so that common sense can prevail, allowing further consideration of the measure, and so that we can deal with it in February. I oppose the third reading.

The House divided on the third reading:

Ayes (19)—Mr Abbott, Mrs Appleby, Messrs Bannon (teller), M.J. Brown, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Slater, and Trainer.

Noes (15)—Mrs Adamson, Messrs P.B. Arnold, Ashenden, Baker, Becker, Blacker, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis, Olsen, Oswald, Wilson (teller), and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Mayes, Plunkett, Whitten, and Wright. Noes—Messrs D.C. Brown, Chapman, Ingerson, Mathwin, and Rodda.

Majority of 4 for the Ayes.

Third reading thus carried.

SITTINGS AND BUSINESS

The Hon. J.C. BANNON (Premier and Treasurer): I move:

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

Motion carried.

PLANNING ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 5 December. Page 2245.)

The Hon. D.C. WOTTON (Murray): I rise to speak in this debate with considerable concerns. A number of members have referred to the way in which legislation is being pushed through the Parliament at present because of the conclusion of the sittings for this year. I would suggest that this legislation is here as a result of a complete bungling on this matter by the Government.

I only wish that instead of dealing with this matter we were dealing with significant amendments relating to the Planning Act. We have been promised these amendments for some 12 or 18 months, although we have still not seen them. If I were to refer to the number of occasions on which we have been told that those major amendments would be brought in, I would be able to write a book. This would have been an excellent opportunity for the Minister to bring them in. They could have been introduced and we could have referred to them later in this House. I do not intend to say any more about that matter as that does not relate to the Bill before the House except to say that it would have been very pleasing indeed had those amendments been brought in.

The community generally and those very much involved in the planning portfolio have been waiting for some time for the Minister to indicate very clearly to the House and to the people of South Australia what the Government intends to do. A number of provisions in the Planning Act need to be tidied up and many matters in that legislation are causing concern. The Government set up a review committee immediately upon assuming office with the idea of introducing legislation very early in the piece, but we still have not seen it. I guess it is to be hoped that the Minister is doing something about that and that eventually those very much needed amendments will be introduced.

The Bill before the House relates to legislation that has been debated previously in this House. That was explained in the Minister's second reading explanation. It is not the first time that we have dealt with matters surrounding section 56 (1) *(a)*. The Minister and the House would be aware that when legislation to repeal section 56 (1) *(a)* was first introduced, the Opposition spoke very strongly against that. I would suggest that had the Minister taken note of what the Opposition talked about at that stage we would not be in the ridiculous situation that we are in at present.

The other matter to which I want to refer relates to vegetation clearance. Of course, that is why the Government first decided that it should do something about repealing section 56 (1) *(a)*, as it was concerned about what was likely to happen in relation to vegetation clearance controls. This has been quite an incredible saga. I am not suggesting that it is all the fault of the Minister or the Government. However, the situation has been allowed to roll on. Many people in the community, particularly in country areas, are most concerned about those regulations. Landowners are especially frustrated about the way in which those regulations are being administered. If time permitted I could spend a considerable amount of time this afternoon dealing with examples of how the Government is refusing to deal with these matters.

I was interested in the answers provided by the Minister to questions asked by the Hon. Peter Dunn in another place about native vegetation and the vegetation clearance regulations. The Hon. Peter Dunn asked:

> Does the Department of Environment and Planning notify an applicant who wishes to clear native vegetation that his plans have been received?

The answer provided was 'Yes.' I am sure that many people have submitted applications that have not been acknowledged. Since receiving the answer to this question I have notified people of the answer and have suggested that they should follow the matter up. The second question asked was:

> If so, does the Department notify the applicant how soon the physical inspection by an officer of the Department of Environment and Planning will take place?

The Minister replied:

> No exact date is given. However, applicants are advised that a scientific officer will contact them to arrange a mutually agreeable time for site inspection.

The third question and the reply are as follows:

> How long is the minimum and maximum period between lodging of applications and their approval? - - - The minimum period has been two hours for a particularly urgent but straightforward application lodged directly with the Department of Environment and Planning with phone advice from council.

I suspect that that may have been one of the urgent issues about which I contacted the Minister, although I am not too sure. The reply continues:

> Normal, urgent and straightforward applications generally take three to four weeks, providing council comment is received and no field inspection is necessary.

I would have thought that a majority of the applications would need a follow-up as far as a field inspection is concerned, but I am not certain of that. From the reply we then learn that:

> The maximum period to date has been 17 months involving complex negotiation with landholders.

I would suggest that it is about 17 months since the legislation was introduced, and I would like to know just how many applications received very soon after the regulations were brought down have not been dealt with yet. In fact, in reply to a later question asked, namely, 'How many applications are still to be processed to finality?', the Minister stated, that the number was 506 as at 31 October 1984. That is an incredible number of applications that are still hanging fire and about which a decision has not been made. I would like to have details of just how long some of those applications have been waiting. We have been told that the longest time was 17 months: I wonder how many in fact have been waiting since soon after the regulations were brought down for a decision to be made. In response to the question, 'How many applications have been approved to date?', the Minister replied that the figure was 548 as at 31 October 1984. So, the situation is that 548 have been approved while 506 have yet to be processed to finality. Further questions and the replies are as follows:

> How many applications have been rejected to date? - - - 60 as at 31 October 1984.
>
> How many applications have had to be modified because of the insistence of the Department of Environment and Planning? - - - None. However, many applications are modified as a result of negotiations with the applicant. No statistics are retained to monitor the negotiation phase.

I could say a lot about that as well, although I will not dwell on that matter. I will continue to express my concern about the administration of those regulations and the effect that those regulations (without any compensation) are having on genuine landholders. The Opposition will continue to attempt to make the Minister and the Government aware of these problems in the hope that the Government will decide to do something about them.

I guess in relation to matters revolving around this legislation one thing that we can be thankful for is that the whole matter of vegetation clearance is now to be considered by a Select Committee of the Upper House. That Select Committee will have the opportunity to look at the legislation put forward by the Opposition by way of a private member's Bill relating to compensation. That legislation has been hailed as very sensible and constructive and will overcome many of the problems to which I have referred in regard to a lack of compensation. The Select Committee procedure will enable the whole situation to be looked at again. I hope

that a number of people will want to make representations and submissions to the committee. I know that the conservation groups will continue to make submissions and that they will put forward a significant viewpoint, and I am sure that there will be considerable representation made on behalf of landowners who have suffered as a result of this legislation.

I have said time and time again that the Liberal Party would not wish to stand by and see native vegetation removed without any consideration being given to the problems that will result from that. We have brought down legislation that is sensible and balanced and I would hope that, as a result of this Select Committee, the Government will again look at the proposal that we have put forward and find that it is able to accept that legislation which will be a considerable improvement on what is presently before us.

That deals with the vegetation clearance aspect of the Bill. I know some of my colleagues might wish to say more about that but I also say that I am particularly concerned (and I have brought this up before and there have been rumblings on the other side about seeking further clarification) about the effects of what we are talking about now in regard to urban development. It is very important that the Minister explain today just exactly what the situation is in regard to urban development as a result of this legislation. I do not know about the Minister's office but my phone has been running hot this morning with organisations that have a responsibility in this portfolio area or with individual people and companies that are concerned about the report in this morning's paper.

I must admit that the report did not clarify the situation, and in fact I thought it was a little hazy in recognising the complexity of the matter with which we are dealing. It is extremely important that the Minister should clarify the situation and indicate exactly what the situation is as far as urban development is concerned and existing use. I am aware that there were assurances given by the Minister in the other place, and I would suggest it is a very backhanded way of dealing with matters. I would have preferred to see them spelt out in legislation rather than just being handed down by the Minister. I understand that the Minister has given an undertaking that where a person, prior to Thursday 29 November 1984, has undertaken native vegetation clearance which did not involve a change in use of the land so cleared the Government will not commence or maintain proceedings with respect to that clearance.

The Hon. D.J. Hopgood: How can you put that into legislation?

The Hon. D. C. WOTTON: If it is not in legislation then it is important. I do not believe that the majority of people, certainly those who have contacted me this morning, are very impressed with having to rely on an assurance or undertaking handed down by the Minister on a matter such as this. The Minister will have plenty of opportunity to talk about those undertakings a little later on. We are told that the same principle will apply to any urban development presently being undertaken under planning approval as the Government is not seeking retrospectivity in this legislation. The Minister may wish to comment further on that.

Since the introduction of the first legislation which repealed section 56 (1) *(a)*, confusion and concern have been expressed by organisations such as the Real Estate Institute which still express concern about the ramifications of the earlier legislation, although I understand that they are not concerned about this legislation. They have asked me to follow it up with the Minister and to provide him with an opportunity to explain exactly what the situation is regarding urban development at the present time.

I have a couple of questions to ask the Minister in Committee. One question that he may wish to comment on in his reply to the second reading involves a person who contacted me this morning and who is concerned about vegetation clearance controls. Referring to people who had cleared land during the five-year period ended 12 May 1983, he asked whether such people were exempt from the need to obtain permission to tidy up certain areas. These people previously had logged an area and had had permission to clear within that period. Does that position still apply? I hope that it does. Other members wish to ask questions in Committee and to comment further in this debate. With other members on this side, I am concerned that this legislation has been rushed in at the eleventh hour without consultation with those who would want to be consulted and would want to seek clarification before the legislation was passed.

Mr S.G. EVANS (Fisher): I take this opportunity to place on record my concern about a matter on which I have been writing to the Minister for some time: the case of a property of 1 500 acres, 250 acres of which had been cleared, in the hundred of Ettrick. The owners believed that they could clear some of the uncleared land: they did not wish to clear all of it. Subsequently, after legislation had been passed and they had bought the property, the Minister informed me by letter, in effect, that they should have known better and that they should have been told by the agents or by the Murray Bridge council that the property was an area of conservation significance which the Government and the Department thought should have been preserved. Had the families been aware of that, they would never have bought the land with the intention of developing it as a farming property.

I have previously explained in this House the background of those families and their difficulty in paying interest on money borrowed to purchase a piece of land that is and ever will be of very little economic use to them if they cannot clear part of it. The Minister has flatly refused to allow further clearance or to offer a reasonable price, or indeed any price, to acquire it. Subsequently, I wrote to the Murray Bridge council asking when it first knew that the property was, in the Department's eyes, a property of some conservation significance and asking about the departmental direction that clearing should not take place. The council's reply, in essence, stated that it was never fully aware of that direction until the start of communications and the families were the owners of the property in every sense of the word. It was too late then. So, I understand that the Department had not told the Murray Bridge council in clear terms that this property was one that it wished to preserve for conservation purposes.

The Minister has kindly replied to me, saying that he will have the matter investigated and further consider the departmental decision. In this House I have often said that there is nothing wrong with Governments or the majority of the people saying that a certain thing should be done with a piece of land that someone else owns by preserving it or, if it is a heritage item, by making sure that it is not developed in a way that would destroy its heritage value, if the majority wishes to pick up the tab.

It is surely unfair for any one of us to have our asset taken away other than through a form of taxation that applies to all in the same category. But, to have an asset taken away and receive no compensation is not right. One could say that if a person could afford 1 500 acres they must be a capitalist and can afford it, so we should knock off a few bob. In this case, they do not own the property in the sense of having paid for it fully. They have borrowed money. They have bought the money at a high interest rate in order to buy a piece of land, develop it for the future and build up an area from which they can make an income.

Having been in small business, they do not have training for anything else. They may be too old to get back into the employment field as no-one will employ them. However, they are at an age where they can have 10 or so years useful life on a farm, doing that as part of their income. They have borrowed money at a high interest rate. That was the commodity they bought in the first place, eventually hoping to own the land.

We have taken away part of the money and told them to keep paying interest on it but are not prepared to compensate them. That is what it means in real terms. If those persons were multi-millionaires, I could understand the attitude that a few thousand dollars would not matter. However, the principle would still be wrong. In this case it is not only the principle that is wrong if it is also placing some people in a difficult and unfortunate situation. If that was to happen to any one of the departmental officers or the Minister, they would know the unfairness and injustice of it.

It is the same as saying that, where a person owns a property in the city and builds a home on it, if the law suddenly changes, they should not make use of all the home because part of it needs repairing. The Government could take away part of the home not being used, repair it and rent it out to somebody or leave it as it is so that that person cannot gain the benefit of the asset on which he has borrowed money. It is the same as going to a suburban household and taking away half the home on which a person has a mortgage and is paying interest. The Government is taking not the home but rather the equity in the money that is borrowed. I ask the Minister in his reply to look at the matter closely.

When the planning legislation was last before the House I commented on the matter raised by the member for Murray in relation to urban development. I was advised that the provision in the Act that gave people the opportunity to stop others making extensions to an operation that was different to that which the zoning allowed (previous laws allowed a maximum of 50 per cent extension to the operation) was to be continued. We need seriously to consider that matter. People should be able to extend up to that 50 per cent because, in the areas that I represent, it is quite significant that many of the small workshop operations, if they are to keep on employing people and maintaining services for people within that community and creating employment for people, and if the goods they produce are going to other parts of the country or outside it, they need to be allowed to expand by that amount.

In areas such as Stirling, the Mitcham Hills and part of the Happy Valley area, there is little industrial or commercial land. The amount is minute. I am not advocating opening up areas for industrial or commercial purposes, as I believe that each council needs about 10 acres to be set aside with mounds put around it and trees planted on it as they do in Europe. We should ensure that people who want to extend up to that 50 per cent should be allowed to do so. I would appreciate the Minister expressing his view on that subject, while we are on this topic.

The Hon. D.C. Wotton: Do you think he heard what you are talking about?

Mr S.G. EVANS: He knows my concern and has heard it expressed often enough. I believe that he will express his opinion on the matter. If we do not do that, in the end we place small operators in the hands of exploiters of land. Once we zone land as we have done and there is no longer an open market, and the more scarce we make a particular type of land, the greater the opportunity for exploiters to acquire an area. They do not necessarily exploit the person to whom they rent, but in the end the total community is exploited. I am referring to operators who own their own land and want to extend 20 to 50 per cent to survive in today's economic climate. They may have competitors within or outside the State. So, that 50 per cent increase on existing use is critical. The option available before was sensible but, in the main, it has been eliminated.

I plead the case of the O'Reilly and Smart families in regard to their property in the hundred of Ettrick and plead the case of those small operators who want to extend the size of their operation, whether it be in manufacturing or tradesmen areas. It may happen to be in a residential sense with flats or home units in an area zoned for commercial or industrial purposes. I am not thrilled with what has happened in the planning area over recent years, and most people on both sides of politics realise that we are headed down the wrong path if we want to see the State progress. If we want to make it the perfect place in which to live, we may find that we cannot afford to live in that perfect place because we are not perfect as individuals and never will be as human beings.

Mr BLACKER (Flinders): I wish to add my complaint to the Government for the late introduction of this Bill, particularly with the expectation of its going through when probably 90 per cent of members in this Chamber do not know what it is about. We do not even have a copy of the Bill.

The Hon. D.J. Hopgood interjecting:

Mr BLACKER: Yes, the half page Bill came around but the second reading did not get the same circulation. I can see what the Minister is trying to get at. I notice that some words used in the Minister's second reading explanation were a quote of the dissenting judge in relation to the plan.

He referred to a construction to be applied to the Act, which would emasculate the planning regime that the Act creates. That is a very valid comment, because we all agree that there need to be planning regulations within the State. However, I really believe that it is a matter of the Minister being caught at his own game in trying to misinterpret the original intention of the Planning Act and in trying to introduce vegetation clearance regulations by way of regulation under an Act which was primarily designed for planning controls for an urban area. When the Minister tried to introduce regulations (which was not the original intent of the Act), namely, the vegetation clearance regulations, he was in turn getting to the fine point of law and was trying to do that without bringing it into Parliament.

The Minister and members would be aware that the issue was raised in this House and that it was the subject of considerable public debate and of a lengthy report in 1974. As a result of that and its handling at that time considerable damage was done to native vegetation areas of the country. The Minister said that one of his reasons or justification for introducing the planning regulations in the way that he did, that is, without notice to anyone or without consulting anyone, was to prevent a recurrence of that event.

I should have thought that the experience of the 1974 exercise would be sufficient. If he wished to have support of country areas he should have at least consulted with them, because they are basically conservation minded people themselves. A few people are irresponsible, but basically country people are against irresponsible actions. To that end, I think the Minister has been caught at his own game in trying, if one likes, to bend the rules to suit his own convenience.

Again, I express my concern and place on record my disappointment that a Bill was introduced at about 8.30 or thereabouts last night and that it is expected to pass this House the very next day. That means that to this degree there can be no consultation with anyone. I appreciate that this is to be an interim measure in addition to that which was passed in this House on, I think, 1 November. It is an

extension of that and it is a protection and holding clause. I hope that some rationale will come from that.

As a result of this, this State has been encumbered with quite considerable costs and damages, which I believe have been awarded against it in this instance and at the taxpayers' expense. The Minister must shoulder some of the blame for this for trying to get that type of regulation through in the way in which he has done.

If he had been more open I believe that the Minister would not only have received the support of the general community but also would have saved the taxpayer a considerable amount of money. Probably that amount of money could have well been put in some type of compensation programme. I do not know of any other form of legislation anywhere where one can actually confiscate from individuals property that has been bought and paid for or, in some cases, has not yet been paid for, and still require them to pay for it, together with interest and everything else, such as rates and taxes, and expect them to continue in that way.

That sort of logic is something that any fair-minded person could not accept. I could bring it right back home and say that any person with a four bedroom house who, because of the size of his family was only using three bedrooms and therefore had a room available, should make that room available for redistribution to somebody else at State behest. That is the nature of the question, because every person who has bought and paid for a piece of property—

Mr S.G. Evans: Or borrowed money first.

Mr BLACKER: Yes, or borrowed money and loses, providing a State asset at the individual's expense, has good reason to complain. Many people who have been affected by this live on Eyre Peninsula because Eyre Peninsula has a greater percentage of native vegetation retained than have most other areas of the State, and, as a result, their future development is severely hampered.

I am aware of one case of a farmer who bought a scrub property of considerable acreage. He had two sons about to leave school and had bought those acres with a view to developing and extending his farming operation so that his sons could come into it. He was actually in the throes of development at the time that these regulations came in. Had it not been for a tractor breakdown, all the area in question would have been cleared. That same farmer had consulted with the Department and had its approval until 12 May when these new regulations came into force. Whether or not the officers with whom this farmer had been consulting knew of these pending regulations, I do not know.

However, certainly everything was done in good faith, but he has now suffered considerable financial cost and has been left with a property on which he has to pay rates, taxes and the capital cost. Yet, he is not allowed to develop most of the area into an income earner. I could probably quote example after example. However, why should 1 per cent or 2 per cent of the State's community provide a State asset totally at their own expense and not have the cost of that State asset shared by the majority of the people? I support this measure because I understand that it is a holding operation to get around the High Court determination. I think it is one that we probably knew would be coming. It was foreshadowed as such, but its whole implication could have been avoided if the Government had used a more rational approach in the first instance.

Mr GUNN (Eyre): During the past few days I have been quiet in this Chamber, but I have been forced to get to my feet for a few moments on this occasion.

An honourable member interjecting:

Mr GUNN: I am a very reasonable person—

The DEPUTY SPEAKER: Order! The reasonableness of the honourable member for Eyre is not mentioned in this Bill.

Mr GUNN: I could make some other comments, but I might reflect on the Chair unintentionally, which I do not want to do. This measure and the consequences that have necessitated this legislation have caused a great deal of concern and difficulty for the people in my district and for the members for Flinders, and Mallee, whose areas are involved.

The Hon. B.C. Eastick: There's a good bit of it in Light.

Mr GUNN: Yes. I looked at a case the other day in Rocky River. However, the facts are these: the original decision to bring the regulations into effect to make it more difficult to clear native vegetation was unfortunately ill conceived, and not enough thought or consideration was given to it. Unfortunately, it created many anomalies and problems.

My concern on this occasion is to make sure that, whatever course of action the Government originally intended to take, it is clear and easy to interpret so that there can be no misunderstanding. I have read the Minister's second reading explanation, and one must read it very carefully indeed. I do not blame the Minister, but the people who drew up the speech wanted to be very careful about the manner in which they explained it, because it is a complicated subject. I understand that. I suppose that it has been all through the tiers of our legal system with one court agreeing and one rejecting it.

Mr S.G. Evans: How do you spell 'tiers'?

Mr GUNN: Both could apply in relation to this legislation. I am concerned to make sure that at the end of the day those people who will be prevented from clearing native vegetation are not financially disadvantaged. In my area there are many cases of people who have been financially disadvantaged. I believe that if the people of this State—particularly in nature conservation areas, council and other environmental groups—want the rural community to manage and look after areas of land on private property, some cost must be involved. It is no good saying that a farmer can keep X number of hectares of native vegetation—that he is not allowed to develop it or to graze it extensively, but that is his bad luck—because that is just not acceptable.

The Hon. B.C. Eastick: And that he shall pay tax.

Mr GUNN: And that he shall pay tax. I realise that the Government is placed in a fairly difficult situation. I would be the first to agree that some parts of the State have been overdeveloped and overcleared, and I know where they are. I, like a few other members, have had extensive experience in land development. Basically, there are a few rules that people should understand. One rule is not to clear sandhills and to leave patches of native pine, for example, and there are a number of other commonsense rules that ought to apply. I am the last one who wants to see every acre of native vegetation in this State knocked down. It is a part of good agricultural management to leave sensible amounts of native vegetation on one's farm.

However, the problem has arisen where people have bought development blocks, and at the time they purchased them under the Crown Lands Act they were obliged to clear them (some leases had had that written into them). Those people paid large amounts of money and were of the view that they could develop a few thousand acres, borrowing money from the Commonwealth Development Bank, or they bought the land through farm build-up schemes. They thought that they could lease heavy equipment and get a considerable tax concession, that they could develop the land and that there would be enough for a father and a couple of sons. Of course, all that was suddenly water under the bridge,

because there was no consultation, and I hope that the Select Committee that has been set up in the Upper House can address itself to these matters quickly.

A few weeks ago I saw a case in my electorate where a person wanted to clear some land and, looking at it fairly and squarely, I believe that it would be better if the land was not cleared. However, because there are no compensation clauses (and this person does not have a great area to farm), I have to do whatever I can to assist that person to develop it. It is very foolish, because the economics are not there. He has to develop it if he is going to survive, and that is the problem. If he could be paid $10 or $20 per acre to leave it, then it would be a different matter altogether. If the public of South Australia wants those people to retain areas there has to be some cost. These people have to pay council rates.

Some of them purchased the land and paid a considerable amount per hectare on the basis that it was arable and that it would be good for growing wheat and grazing sheep. I sincerely hope that during the sittings of the Select Committee those various conflicting groups in the community can get together and resolve this matter, otherwise there will be continuing conflict. This Bill has only a couple of clauses in it which I have endeavoured to read through most carefully. However, I am still somewhat concerned. As I understand it, the problem that the Minister is trying to get over is that the High Court has stated that a person who had rights for existing use should maintain that particular right for ever and a day.

The Hon. D.J. Hopgood: It's worse than that.

Mr GUNN: The Minister says that it is worse than that. I have always believed that when one changes legislation one should be able to say that it is better and that it improves things. I suppose that it depends on one's point of view, what one's background is, whether one is linked to the conservation movement or whether one believes that we should develop the State, because if this State is to continue growing we have to have development. We have far too many blocks being put in development now, in my judgment, and I understand that there has to be some form of sensible control, particularly in the urban areas. I understand that no huge factories can be built in residential areas which will cause pollution. I understand all that. However, reading this—

The Hon. D.J. Hopgood: You're getting warm.

Mr GUNN: Is that the problem that the Minister is trying to raise? I have read it very carefully, and I did not have the benefit of extensive secondary education, but my understanding of the matter—

The Hon. D.J. Hopgood: When you retire we'll put you on the ground floor.

Mr GUNN: Like the Minister, I think that I have a considerable number of years ahead in this place, and when I finish in this place, as I heard Dr Jim Cairns say, I would never want to see another Government memo, docket or legal opinion. However, all I want to see is my constituents who have been affected receiving a fair go, and I sincerely hope that when this matter expires at the end of May everyone knows where they are going, because with all these court cases that have taken place there is a great deal of confusion and concern in the community.

I want to see that cleared up, and I hope that when the Minister replies he will be able to clearly explain, first, if a person wants to clear native vegetation just what course of action he now has to take so that there is no misunderstanding. I would appreciate the Minister's setting that out for us. Secondly, if people are knocked back in this regard where do they stand? I think that that is important. Thirdly, where does the Government stand in relation to compensation? Fourthly, I hope that the Government is prepared to enter into some form of reasonable dialogue so that when discussions take place before the Select Committee—

The Hon. D.J. Hopgood: We will be on the Select Committee.

Mr GUNN: Yes, but the Government will probably have the numbers on the Select Committee. The Select Committee can make whatever recommendations it likes: that does not bind the Government to put them into effect. No Government can be held to be responsible for recommendations. Also, the Government will have an influence on the recommendations, and I sincerely hope that notice is taken of practical and responsible people. I hope that the Minister is able to spell out those matters.

I will support the Bill, because I realise that it is necessary, but I want to make very clear that I am also one of those who believe that common sense should apply in these issues and that there is at this stage, in my judgment, a strong case for some form of compensation where people are denied the right to clear. I sincerely hope that some of those people from the conservation groups who have been making comments on vegetation clearance will be a little more practical and a little more responsible.

The other matter that I want to clear up (and I hope that the Minister can address himself to this during the debate) relates to action the Government will take to try to clear up the backlog of applications in the Department. I have heard people claiming that they have not had answers, and they are concerned that it takes so long from the time the application is lodged, considered, and officers come to the field. Therefore, I hope that the Minister will address himself—

The Hon. D.C. Wotton: You mean the 506 that haven't yet been finalised?

Mr GUNN: My colleague reminds me that there are 506 such applications. I am not sure how many there are, but people have come to me concerned about it. They want to know whether, after three months, they have to put in another application and pay another fee or what the situation is. If the Minister could address himself to those matters I would be most grateful. However, I support this measure only because I am interested to see what the Select Committee will recommend, as I realise that this is a holding operation. If it were not I would not support it.

The Hon. TED CHAPMAN (Alexandra): I support the view expressed by the member for Murray, our spokesman on environment and planning in this House. In doing so, I place on record my congratulations to Keith Dorrestijn, the farmer on Kangaroo Island who has been deeply concerned about the implications involved in litigation over a period of months following his attempts to develop his own land in that community.

In saying that, I know with the utmost confidence that it is a congratulatory message endorsed by the 460 farmers of that community, as well as expressing the feelings and views of many hundreds of other farming families scattered around the rest of South Australia. It is not only those who have had land subject to further development who have been concerned about the impact of these regulations. Landholders of country fully developed which has no further native vegetation subject to clearance have been equally concerned about the implications and long term impact of the regulations that have applied in this State for a long time—indeed, too long.

I recognise that basically the Government set out to preserve a situation which it believed was getting out of hand, and it believed that it was a genuine attempt to control the clearance of native vegetation beyond that which was desirable both in the short and long term. In that context, the Opposition has recognised the importance of some measure

of monitoring and control of such clearance. In the meantime, we as a Party have had a chance to develop, through our shadow Minister for Environment and Planning, a policy which we believe is fair and reasonable not only to the landholders in question but also to those in the rest of the community who are anxious to preserve a reasonable balance of native vegetation.

I would hope that despite this interim measure in which the Government is yet again participating in order to preserve some fair degree of control in this area, ultimately a Bill will be introduced identifying the requirements associated with land development as a separate measure from the planning requirements applicable to all other forms of structural development. It is high time that land clearance and land development, including native vegetation, surfaces generally, soil conservation, preservation of those areas of the State which it is desirable to preserve, salinity mitigation and various other measures applicable to land across the State, were dealt with in a measure on its own.

I hope that when such legislation is introduced it will have the support of both Houses and that, with respect to any application that may be lodged for development of the land, a landowner, apart from his obligation to lodge such an application, will be able to proceed after a respectable period if the Government controlling that measure has been unable to demonstrate good reasons why he or they should not proceed. The onus at this stage is entirely on the owner of the land to demonstrate his or her case, and where a decision is taken on a managerial basis or for economic or simple primary producing reasons to develop land, if that land is considered by any of the bureaucracies of the State to be undesirable for development, it is up to that organisation to demonstrate publicly the reasons why it believes that it should not be cleared and, indeed, to pay for the retention of the native vegetation on that land if that point is made.

That is not a situation that we are faced with at the moment, where landholders have in many cases lodged applications with the Department for land clearance and development purposes and after the expiry of three months under the present regulations such applications are deemed to have been rejected. That three month expiry element is really unacceptable to the community at large, and it has caused much distress and disturbance that could otherwise have been avoided.

I indicate my support for the measure, and I hope that when the Select Committee is appointed due reference by the Legislative Councillors concerned will be made to our own Party's shadow Minister for Environment and Planning's policy, and that access to the committee will be available not only to interested developers in the community but to other members of the community, as well as to members of both Houses, enabling them to give evidence and participate in those hearings. I hope that in its report the Select Committee has due regard to the factors we have been raising consistently in this House in the several debates associated with this measure since March 1983 and to those factors which have now been vindicated by the High Court in the Dorrestijn case about which we have recently seen wide publicity and reports.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): It is not my intention in my closing remarks to the second reading debate to address every single point raised by members opposite, although I hope that they will not regard my attitude as being churlish in view of their support of the measure, which is before the House in these rather unusual circumstances. There are matters that have been raised in this debate which have been considered on several occasions in this Chamber, mostly in relation to the appropriateness of the vegetation clearance controls being part of the overall planning regime. I do not intend to further address myself to those particular questions, although there were one or two specific questions which the members for Murray and Eyre raised with me and to which I will of course respond.

While I can understand that so much stress has been placed on the remarks by members opposite on the vegetation clearance controls, the problem that we are attempting to address in this legislation is very much wider than that, very much wider indeed than the matter which was discussed and which was the subject of the decision of the Supreme Court in this State. That is the reason why I am admittedly undertaking this most unusual procedure of bringing in this legislation at this very late stage.

The Government received the Dorrestijn decision last Thursday and I immediately, as I told this House I would do when that earlier amendment came in, proclaimed the amendment, which had the effect of suspending section 56 (1) *(a)* until 1 May. At the time we assumed that the problem was a misinterpretation in some minds as to the way in which the legislation handled existing use rights. In fact, once there was an opportunity, and it took some days to fully investigate the implications of the High Court decision, it was discovered that on one construction of that decision—although not possibly the only construction, but it is, with respect to Their Honours, not an easy decision to read and understand—we were in effect left without a Planning Act.

To make it as simple as I possibly can, our interpretation of that decision is that supplementary development plans in respect of change of land use to areas which prior to the supplementary development plan involved many uses had had no effect whatsoever. So, it would be possible for Joe Blow to own an allotment which was zoned permitted use for industrial purposes and, although over a period of 20 years supplementary development plans might change that zoning to residential, rural or whatever, nonetheless at the end of that 20 year period he would be able to proceed on the basis of the zoning *ab initio*. That is the thing that immediately we had to fix up.

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

Mr ASHENDEN: Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. D.J. HOPGOOD: So, the massed ranks of the Government and the lone representative (now two representatives) of the Opposition will be interested to know that the ramifications of this decision are considerably wider than I think members opposite in their second reading debate remarks realised. This whole debate really began over whether the existing use rights in the Planning Act worked in a way that they were intended to work. I assume that the philosophy all political Parties share in relation to existing use rights is that, where a person has an existing non-conforming land use, he should be allowed to operate that existing non-conforming land use, but that he should not be able to either alter that use or expand that use without planning approval. I think that was the position to which the member for Murray was attempting to move us when he introduced this legislation in the first place and that was the spirit in which the Labor Party, then in Opposition, accepted that legislation.

The question is whether section 56 (1) *(a)* or indeed whether 56 (1) *(a)* and *(b)* are really essential to the safeguard in relation to the first of those matters, that is, that an existing non-conforming land use has a right to remain. The attitude of the advisers to the member for Murray and to me, as successive Ministers, has always been that the verbiage

laid down in this clause is not essential to existing use, because the Planning Act does not control use of land but only change to land use and, as such, 56 (1) *(a)* is revealed as being declaratory in intention only and not something which one has to have there for its legal force.

The problem is, as has obviously now been illustrated, that the courts tend to find work for idle words to do. Might I say in relation to the decision of the court, if you like, that if we look at all of the judges who have considered this matter as being on an even plane, as being colleagues, as it were, in the jurisdiction, then the score is in fact four all, because in the lower court the judge ruled against the Government. In the Supreme Court the Government, in effect, won two nil: the dissenting judge did not address himself to the substantive point because he flew on another matter, and in the High Court the Government lost three to two, so to that extent we can say that there are eight learned judges who have turned their attention to this matter and the score, if you like, is four all. But as in tennis, it is not so much the number of games that you win but the aggregation of those games that count. The learned judges in the High Court may be wrong in their interpretation of this matter, but the trouble is that the learned judges in the High Court are never wrong, because in fact how do you get a re-examination of an adverse judgment in the High Court?

I suppose it was possible in this case for the Government to carry on as if nothing had happened, to attempt a further prosecution, and, in the event of failure of that prosecution, chase that matter up to the High Court and have it further dealt with there, but the best advice I could get is that I was taking an awful risk by laying the Planning Act, as interpreted by the High Court, open to all sorts of challenges that could have resulted. This is the reply I give to those members opposite who have said, 'Well, this would never have happened if the Government had not tacked the vegetation clearance regulations on to the Planning Act.' That is patently absurd. The Planning Act is a litigious area, and there is no doubt that sooner or later the point which has been picked up here in the High Court would certainly have been placed before the court.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. HOPGOOD: I believe we are acting responsibly in doing what we are doing, even though of course it has been necessary, since this interpretation of the judgment was brought to my attention only about 11 o'clock yesterday morning, for the haste which has occurred in this matter.

The member for Murray and the member for Eyre, in effect, asked the same question when they asked what is the present position under vegetation clearance as a result, first, of the High Court judgment and, secondly, what I am asking this House to do today. The clear answer is that there is no change, except in relation to the statement which my colleague in another place made and which has been quoted by the member for Murray today: that is, there are certain prosecutions that may have proceeded in the light of, from the Government's point of view, a favourable decision in the High Court which will not now proceed. I believe the circumstance in which a prosecution can and should still proceed is a circumstance where a person clearly had no existing use right, that is, where a person, after the bringing down of the regulation, purchased a scrub block and either without applying for permission cleared that block, or indeed applied for permission, did not get the permission he wanted, and cleared anyway. There is no question of that person having any existing use right in relation to that land use of that property, and in those circumstances prosecutions will proceed, but in all other cases where it can be shown in the light of the Supreme Court judgment that an existing land use operates, no prosecution will be launched.

The position in relation to existing use rights as a result of the amendment which we are placing before the House this evening is simply to render actual what I believe the member for Murray believed he was doing when the Act was originally brought down. Subsequently, when it was shown that there was a chance that there may be a problem there, we amended section 56 (1) *(a)*. What Their Honours are really saying in the High Court is that we did not go far enough and that we should have also got stuck into section 56 (1) *(b)*. I believe that this period for consideration, which involves the suspension of sections 56 (1) *(a)* and 56 (1) *(b)*, should be sufficient to convince the community generally that 56 (1) *(a)* and *(b)* are not necessary in the Act. If they are necessary in the Act, then certain dire consequences surely will follow in the months while they are in suspension. If in fact these dire consequences do not follow, I believed that I have made my point and it would not be unreasonable for me to ask the Parliament that indeed the clauses which will be in suspension should be excised from the legislation altogether.

But that is, as it were, to anticipate something that will have to be gone into in very much greater detail. I regret the haste with which we have had to proceed in this matter. I regret the highly technical nature of the judgment, with which this legislation attempts to come to grips, and therefore, in a sense, the highly technical nature of the legislation, despite its extreme brevity.

The judgment of the High Court, as I said before, is not clearly worded, either to the layman or, I believe, to the profession. It has taken some time for it to become clear that there is an interpretation as drastic as the one we fear that could be placed on it, and hence the necessity for us to legislate in the interests of the planning system in this State.

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

PRISONS ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 5 December. Page 2193.)

The Hon. D.C. WOTTON (Murray): I intend to speak only very briefly in regard to this legislation. The Opposition supports the Bill. I am pleased to say that I think the support has come about particularly as a result of the situation that occurred in the other place, where both the Minister and my colleague Mr Griffin were able to get together beforehand and nut out a few of the problems that we had. The Opposition had some difficulties originally in supporting the Bill. We felt that a number of questions needed to be raised with the Minister. There was at least one provision with which we felt that without further information we could not agree, namely, the fixing of the non-parole period and taking into account the total period of imprisonment for which a parolee is liable, that is, taking into account the combined effect of the balance of the existing sentence that a prisoner is liable to serve as well as the further sentence imposed. There was agreement after consultation, so we are happy to support the Bill which, in effect, amends the Prisons Act Amendment Bill that was passed by both Houses of Parliament recently.

With that legislation it was not all sweet air, because we had some concerns about it, and when we are dealing with the Correctional Services Act a little later this evening I will once again be able to refer to some of those concerns, but it is not appropriate that I do so at this stage. The Chief

Justice noticed that the Bill was being debated, and I understand that he wrote to the Attorney-General recommending that a further change be made to clarify certain provisions of the Prisons Act which had been the subject of consideration by the Court of Criminal Appeal in the case of *R. v Slater*. I understand that judgment was delivered on 4 September 1984, so it is a fairly recent case. I understand that the difficulty that arose was as to the interpretation of those sections of the principal Act where a prisoner on parole had committed an offence before release on parole, was sentenced after being released on parole or had committed an offence whilst on parole.

The purpose of this Bill is to resolve some of the legal questions that have come out of that situation. In essence, the Bill makes it clear that a parolee is liable to serve the balance of his or her existing sentence or sentences of imprisonment in the event that he is sentenced to further imprisonment for an offence committed while on parole. In those circumstances the courts are to be required to fix a fresh non-parole period taking into account the combined effect of the new sentence and the balance of the existing sentence. In addition, where a parolee is sentenced to imprisonment for an offence before his release on parole or for non-payment of a pecuniary sum parole for the first sentence is suspended while he serves that new sentence or the non-parole period of the new sentence, as the case may be. The Bill is fairly technical, but we certainly support and recognise the need to resolve the questions that came out of the case to which I have referred. With those few words, I indicate that the Opposition supports the Bill.

The Hon. G.F. KENEALLY (Minister of Local Government): I appreciate the Opposition's support of this measure and acknowledge the co-operation that existed between the Minister and the Opposition's spokesperson on this matter. I also acknowledge the assistance of His Honour the Chief Justice in the advice that he has given the Government on this matter.

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

CORRECTIONAL SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 November. Page 1977.)

The Hon. D.C. WOTTON (Murray): There seems to be some confusion in regard to this legislation and I can only put it down to the fact that there is a considerable amount of confusion in regard to the amount of legislation going through the House at this late hour. It concerns me that, when we are dealing with significant legislation such as the Correctional Services Act and other legislation that has come before the House this week and is yet to be debated (probably in the late hours of tonight or the early hours of tomorrow), it is a great pity that the House has to deal with matters of importance in this way. That having been said, let us talk about the Correctional Services Act.

I hope that I have understood what the Minister responsible for this legislation has said in the House. No doubt he will give me guidance as I go along if I have not. The story of the Correctional Services Act is not a happy one. It has been around for a long time and it was in 1982 that this legislation first came before the Parliament. It was at the time when my colleague, the member for Victoria, was Minister. I commend my colleague for the amount of effort that he, along with his officers at that time, put into the preparation of this major legislation. I shudder to think of the number of opportunities that have been taken on this side of the House for questioning the Government in attempting to clarify the situation as to reasons why part of the legislation was not proclaimed. It was ready to be proclaimed as the previous Government came out of office. Some regulations were ready to be brought before the House.

I accept that some areas needed major work on them, but it is an incredible situation where, two years later, we are looking at dealing with matters that relate to that legislation. We have had to wait for two years before the stage of proclaiming the legislation. It is significant legislation. A number of debates have taken place in regard to other legislation before the House in recent times, particularly the Prisons Act, which has dealt with significant changes to the parole system in this State—changes that the Opposition has not supported. I will have more to say about this later in this debate. The Government said, soon after coming to office, that it was dissatisfied with what we were proposing in regard to parole provisions in this Act. It wanted to make changes and we believed at that time that once those changes had been made we would then be able to proclaim the rest of the legislation.

We recognised that in November or December of last year legislation was again rushed through in exactly the same way. We were pushing through legislation to bring about a change in the parole system, with the Government having decided the direction it wanted to take in that regard. There were still other areas of the Correctional Services Act that have not been proclaimed. I wish to refer to various matters in regard to this legislation.

First, the Correctional Services Act provides that there shall be established for each correctional institution such numbers of visiting tribunals as the Minister thinks are necessary, or desirable, whichever the case may be. That section provides that any magistrate appointed by the Govenor by proclamation shall constitute a visiting tribunal for the correctional institution specified in the proclamation.

The concept of the Correctional Services Act, 1982, passed (as I said before) by a Liberal Government, was that a significant amount of work then entrusted to visiting tribunals comprising justices of the peace or one justice of the peace ought to be undertaken by a magistrate. We believed, amongst other things, that that would overcome some of the many criticisms that were being levelled at justices of the peace sitting as visiting tribunals.

The Minister who is at the bench, having been Minister of Correctional Services previously, would understand what I have to say with regard to some of the criticisms that have been levelled. Justices of the peace, in the role that they have played as visiting justices under the Prisons Act, have done a terrific job both in that context and in the courts generally. It is to be acknowledged that without them Governments would be faced with a much more difficult task in arranging for more magistrates to undertake the functions that they now perform. The Liberal Government's initiatives to transfer a greater responsibility to magistrates as visiting tribunals was prompted in the first part by criticisms from members of the Labor Party. Again, the Minister at the bench can accept (not take blame for) what I am talking about because he certainly had his fair share of throwing the sponge in this manner, particularly in the context of a series of disturbances within the prisons, leading to the establishment of the Prisons Royal Commission by the Liberal Government in October 1980.

The Hon. B.C. Eastick: He was doing it from the outside, wasn't he?

The Hon. D.C. WOTTON: He was doing it from the outside, but, when we look at the way in which the present Government brings out its crocodile tears when any attack is made on it and, when we consider the type of attack by

the then Opposition during the time of the previous Government and particularly during the term of the ministry of my colleague the member for Victoria, we recognise how hollow that situation is now and how shallow are those crocodile tears that are coming from the present Government. Notwithstanding our initiatives and the criticisms that we faced in Government from members of the then Opposition (the Labor Party), it is very interesting indeed to note now that this Government is reverting to a situation where justices of the peace will carry a much heavier responsibility within the prison system as visiting justices comprising visiting tribunals. It is most interesting to note that the concept of a visiting tribunal having the responsibility for regular inspections of the prison system is now to be changed under a Labor Government so that justices of the peace can be appointed by the Minister for the purpose of carrying out inspections. I have some very real concerns about that. I am not proposing to move any amendments in this regard, but I have some very real concerns about that matter.

I was interested to read in the Minister's reply in another place when talking about this matter that he indicated that my colleague the Hon. Mr Griffin in another place had also referred to the question of visiting tribunals. He asked why the Government had decided not to go ahead at this stage with the system of magistrates acting as visiting tribunals. The Minister indicated that it is still the Government's policy to have magistrates as visiting tribunals, but he went on to say that he understood that considerable cost is involved in doing this. One does not have to be Superman to recognise that. We have had the opportunity to look at some of the statements made, and I regret that I have not brought them with me, because it would have helped in the debate if I had brought them.

The Hon. B.C. Eastick: It would have been embarrassing for the Government.

The Hon. D.C. WOTTON: It would have embarrassed particularly the Minister on the front bench now, because the Government continues to bring down criticism of the previous Liberal Government on this matter. The Minister went on to say that at this time it is something that the Government had just not decided to embark on. He indicated that it is not to say that the Government will not introduce it in the future. He went on to ask the question: what does the Government do about it—does it delay the very necessary proclamation of the Correctional Services Act? I am pleased that the Minister has now recognised after two years the very real need to proclaim this legislation until resources become available for magistrates to be appointed as visiting tribunals. He went on to state:

> The Government has decided that whilst this is desirable and we certainly strongly support that concept, the earliest practical proclamation of the Correctional Services Act has a high priority.

That is a bit hollow and I am disappointed, particularly when the former Liberal Government made a move that had been introduced into the legislation and the present Government now finds the problem is a matter of cost—I do not know whether the Minister is able to indicate just what sort of cost is involved, but I would be interested to know. Obviously, from what the Minister said in another place, the position is of a high priority.

The Opposition believes that it is of a high priority and we believe that this matter should have been carried through in this legislation. The other matter that is interesting to note is that the visiting tribunal that the former Liberal Government recognised would act as inspectors of correctional institutions could seek the assistance of an officer of the Attorney-General's office. That was designed and my colleague the then Attorney-General (Hon. K.T. Griffin) in another place gave much thought to it. It was designed to accommodate the recommendations of the Royal Commissioner into Prisons, who made it clear that there should be some legally trained officer available to the visiting tribunal in the course of either its activities as a *quasi* judicial tribunal or in undertaking its tasks as an inspector of a particular gaol of a correctional institution.

I notice that this is not included in the Bill. In fact, the Bill goes in the opposite direction and removes that provision. In those two areas there is a need for the Minister to indicate in more detail than the Minister was willing to do in another place just why those decisions have been made. Those are two matters of particular concern to the Opposition. They are two matters that I hope the Minister will be able to address in his reply. He was the Minister who held the portfolio directly after the previous Liberal Government and he must be aware of the attitude of the previous Government in this matter. The broad general concern about the change back from magistrates as visiting justices was recognised as of considerable importance with heavier emphasis on justices of the peace.

That concern is based upon the concern expressed by the Royal Commissioner in 1981. It is also based on the experience reflected in several cases that have come before the Supreme Court of late relating to visiting justices. The next matter I turn to is that of conditional release. The Minister knows that the Liberal Party is strongly supportive of the conditional release system. The Bill before us seeks to remove any concept of conditional release. Conditional release is a concept whereby those who have offended are sentenced to a term of imprisonment but are released under some term of scrutiny until that term of imprisonment would have been completed, either within a gaol or on parole. The Government has an automatic release system, which I certainly do not support and which the Opposition does not support, and I will be saying more about that later.

Under this system there is no absolute freedom until the term to which an offender has been sentenced expires. If a person who has previously offended commits another offence during the period that he or she is on parole, or following that period of parole and before a term of imprisonment would have been completed, there is a liability for that person to be brought before the court and to serve out the balance of the original sentence. The Government's parole legislation is a system that we do not support. I will be saying more about this later. It provides that when parole provisions are breached the maximum period of further imprisonment that can be imposed is three months.

We have indicated before in this place that we believe that such a term is not adequate. If someone is sentenced to more than 12 months imprisonment, given a non-parole period of six years and released automatically after four years—taking into account remissions for good behaviour—that relates to the balance of the term of imprisonment. We believe that that person should be under a threat of recommittal to gaol if he or she commits another substantial offence. I am not talking here about the commission of a minor offence but of a substantial offence. As we have said on a number of occasions, we believe this to be a very important part of the prison system, and we have given conditional release priority in our legislation.

I am particularly concerned that this provision has been removed from the Prisons Act. We realise that it was the Australian Democrats in the other place supporting the Government that ensured that conditional release was done away with. I will now turn briefly to the subject of parole. I would not mind having $5 for every time we have raised our concern about the parole system in this State. This matter was mentioned late last year in this place. We will continue to indicate to the Government the reasons that we believe the parole system is not working.

I will repeat, without going into a lot of detail because it has all been said before, the position held by the Liberal Party. We do not support the Government's programme of non-parole periods and automatic release. We continue to believe that parole should be earned and should not be automatic. Automatic release from prison does not take into account the progress of an offender through the prison system, and his behaviour—the possibility of an offender reoffending, whether or not that be an offence of the type for which the penalty of imprisonment was imposed; the rehabilitation of the offender; or the prospects for work and community or family support on release.

I believe the above matters to be extremely important. It is not just a prisoner's behaviour in prison and whether he is felt to be rehabilitated, but equally that the offender will be able to look after himself and be appropriately cared for when he leaves prison. The Liberal Party believes all these factors should be considered before an offender is released back into the community. That is why we were disappointed with changes to the old Parole Board. I know that we came under some criticism, but we strongly believed that the old Parole Board took into account the factors to which I have just referred, something the present Parole Board is unable to do.

Having referred to rehabilitation in that context on a few occasions in this debate, I indicate that I still believe that rehabilitation is important. Some people believe that we cannot expect it, but I am sure it is something we should continue to strive for. Recently there has been criticism, particularly from offenders in prison, that under the operation of the old Parole Board prisoners did not know with certainty when they were going to be released. As we indicated during debate on the Prisons Act, we found that criticism hard to accept; we did not believe that it was absolutely necessary to have the certainty of automatic release, which offenders in prison for breaches of the rules were expecting.

Previously we said that the Government's parole laws needed urgent review. We will continue to say that. We believe that there is continuing evidence to suggest that the new parole system subjects the community to risk. There is concern in the community about the new parole system. We have been able to obtain some information in relation to early releases. On a number of occasions we have referred to early releases from South Australian gaols, particularly during May, June and July. There are probably more recent figures than that. If there are, and they are available, will the Minister refer to them? I know that about 140 early releases from gaols in this State occurred during May, June and July this year. Some prisoners released then have already broken the law again.

Despite what we heard earlier, I believe the recidivism rate is fairly high. I understand that those who offend are sent to prison, are released and then commit a different offence are not included in the figures. But they are still going back into gaol. I believe the recidivism rate is based on the number of prisoners who commit an offence, are released, commit the same offence and are returned to prison. That is why I believe the recidivism rate is a lot higher than the official figures indicate. Many offenders have been in prison for serious offences and were not due for release until 1990 and in other cases even later than that.

A prisoner who was in prison on rape charges with his sentence due to expire in 1990 was released in June after serving only 18 months of an eight year sentence. We now know that that same person has been arrested again and has been charged with four counts of rape, two counts of gross indecency and two counts of kidnapping. That person was due to be released in December 1990 but came out in June after serving only 18 months. In another case a man began a 15-month sentence last November on a receiving charge with a non-parole period of eight months. In January he was sentenced to a further 18 months with a nine month non-parole period on a charge of garage breaking and larceny. These sentences were to be cumulative. On this basis the prisoner should have served at least 11 months, being released this month at the earliest. It is these things that are causing concern within the community.

The Hon. B.C. Eastick: It doesn't sound like good arithmetic.

The Hon. D.C. WOTTON: That is one of the concerns—the complexities, as I understand it, in arranging release dates. There are clearly some uncertainties about that. I could cite many other examples of prisoners who were not due for release until 1990 but who were released earlier this year. All of those cases involved multiple charges, including rape, attempted murder, armed robbery and more. We have continued to say that this Government needs to explain this situation to the community; the community wants an explanation for cases like this. On so many occasions we learn of the offence committed after the early release has taken place.

The Minister indicates that he will bring down a report. On so many occasions we have asked for that report to be made public, and most of the time we hear very little about it. From discussions that I have on an ongoing basis I am also aware that the Police Force in this State is very concerned. It is concerned that dangerous and habitual criminals are being released back into the community without having served what the police feel is an adequate prison sentence. We recognise that it is the police who have to take personal risks to apprehend these dangerous criminals. There must be many times when they stand back and ask themselves whether it is worth what they have to go through when they learn that criminals are being released after serving only a very small part of their sentences.

The Hon. B.C. Eastick: The investigation time is often longer than the period served in prison by the offender.

The Hon. D.C. WOTTON: Exactly. As I said earlier, it is obvious that the system is not working and we will continue to inform the Government that it is not working in the hope that it will find it necessary to review the legislation so that criminals get their appropriate punishment and, in particular, so that the community is not put at risk.

In talking about the automatic release programmes, I state that there are areas of considerable concern, as I say, where persons convicted of serious offences are released at a time that the community would regard as being very early. I am sure that the Minister at the bench must be aware of the calls from the community for a review of the legislation. Apart from the responsibility that I have in those portfolios for which I am responsible, on a number of occasions I receive representation from people within my own electorate who express concerns about what they read through the media or what they are advised in regard to some of those problems.

We believe that the old Parole Board would have been able to exercise some discretion and take into account the prospects of reoffending, as I mentioned. That is why we were disappointed when significant changes were made to the Parole Board.

The next area to which I want to direct a few comments relates to prisoners' mail. I know that this is a sensitive area, but I am concerned about the Bill's limiting even more the right to inspect prisoners' mail. The principal Act deals with prisoners' mail in section 33 and provides that the Superintendent (now to be known as the Manager or person to be described as 'Manager' under the terms of the amending Bill) has certain powers, which are significant. Subsections (2), (3) and (4) provide:

(2) Except where the Superintendent exercises his powers under this section—

(a) a prisoner to whom any letter or parcel is sent shall be handed that letter or parcel as soon as reasonably practicable after it is delivered to the correctional institution;

and

(b) any letter or parcel sent by a prisoner shall be forwarded as soon as reasonably practicable.

(3) A letter or parcel sent to or by a prisoner contravenes this section if it contains:—

(a) a threat of a criminal act;

(b) a proposal or plan to commit a criminal act, or to do anything towards the commission of a criminal act;

(c) an unlawful threat or demand;

(d) an incitement to violence, or material likely to inflame violence;

(e) plans for any activity prohibited by the regulations;

(f) any item prohibited by the regulations;

(g) a sum of money, whether in cash or otherwise, or a request for any such sum, where the prior permission of the Superintendent has not been obtained in respect of that sum or request;

(h) a request for any goods, without the prior permission of the Superintendent;

or

(i) a statement that is in code.

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

In some circumstances, the Manager of a correctional institution may cause—

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

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

or

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

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

We support those powers, which are set out very clearly under section 33 of the Act. We do not believe that there needs to be any change in this regard. The letters that are sent by a prisoner to the Ombudsman, to a member of this House or of this Parliament, to a visiting tribunal or to a legal practitioner at his business address are not to be opened, as provided under section 33.

I support that, although on a couple of occasions I have received from prisoners mail which I know has been opened, and that gives me some concern. Other provisions relate to the opening of prisoners' mail, but that code was incorporated in the Correctional Services Act by the previous Liberal Government in consequence particularly of the report of the Royal Commission presented in December 1981. Those of us who have had the opportunity of reading that evidence would recognise the import that the Commissioner placed on this matter. Censorship of mail was a matter of some considerable debate during the course of the Royal Commission, and the Royal Commissioner recommended the following:

(1) Censorship of mail to be carried out only by an officer holding the office of Divisional Chief or above.

(2) High risk prisoners—incoming and outgoing mail censored.

(3) Other maximum security prisoners—incoming mail opened to check for contraband. A random sample of both incoming and outgoing mail to be censored.

(4) All other prisoners—a random sample of both incoming and outgoing mail to be censored. Further random sampling of incoming mail to be checked for contraband.

(5) Outgoing mail from any prisoner to his solicitor to be priveleged and not liable to censorship.

(6) It should be an offence for an officer to disclose the contents of a censored letter except to a senior officer in the course of duty.

They were the recommendations brought down by the Royal Commissioner in December 1981. The amendment that the Government is seeking in the Bill before the House restricts the ability of a manager to open mail to circumstances where there has been prior approval of the Minister. I think that that is a crazy situation, and I would strongly oppose the Minister's becoming involved in a day-to-day situation within the prison as to when mail is not, can or cannot be opened, in accordance with section 33 (5).

That, particularly, I would suggest is the case when mail is to be opened on a random basis, and again I have had the opportunity to look at what the Minister had to say in another place in regard to this matter and for the life of me I cannot understand why the Government felt it necessary to do that. I am certainly not satisfied with the explanation that the Minister gave in another place. Perhaps the Minister at the bench at present might be able to throw some light on that subject.

I want to refer briefly to the work of volunteers in the correctional services institutions, because we place a great deal of emphasis on the use of volunteers in correctional institutions and, of course, right across the Government sector. We believe that they have a role in assisting and providing a level of services on a personal basis and, let us face it, if that was not possible we would not be able to provide it adequately by public sector employees or, for that matter, it could not be adequately provided due to the cost. Clause 53 of the Bill seeks to give wider powers to managers of correctional institutions to prevent volunteers from entering that institution. The concern I have is that it seems that it gives the potential for a manager of a correctional institution to say to a variety of people that they should not be involved in that institution.

Those people may have been able, for very legitimate reasons and with legitimate responsibilities, to perform services in a correctional institution that would have been an advantage to the inmates, to the prison structure, to the system itself, to the Government and to the community generally. I feel that we often fail to tap the potential that we have through the involvement of volunteers. There are so many people in the community who, for one reason or another, are not employed on a full-time basis and who would be very happy indeed to be able to assist.

I will not say much more about that because that is one of the areas that the Minister addressed in another place, and I was reasonably satisfied with what he had to say. I am not silly. I recognise that there are situations where, for one reason or another, managers may need to have the right to interfere and to be able to remove volunteers for one reason or another.

However, I want an assurance that the power of managers will not be abused. It is not unreasonable to exclude legitimate and proper activity by volunteers or visitors because, as I said before, if we look carefully at the way in which the clause is drafted, we see that it does not necessarily relate to volunteers only. If we go a little bit wider, it could relate to those who want to visit within the prison institution itself. I am sure that we are looking more at the situation of those who go into the prison on the basis of being a volunteer for some reason or another and who cause some concern to those who are responsible for the administration of that prison. I know that there are some concerns in the community about the moves that are being made in this Bill. I appreciate, as I said earlier, the way in which the Minister dealt with this matter in replying in another place, but I still think it is important that it should be raised in this place.

The matters to which I have referred to in this second reading speech are of considerable concern. I have not gone into some of the concerns that I do believe are not quite as

important. However, to a very large extent, these are matters of principle and matters on which it is quite obvious—in looking at what the Minister has had to say in this debate in another place and on other occasions—that the Liberal and Labor Parties are poles apart. I do not suggest that we will be able to do very much about that on an occasion such as this. However, we certainly recognise that it is our responsibility in Opposition to indicate an alternative to what the Government is bringing forward in legislation, and we would certainly continue to do that. I do not intend to say any more at this stage and, to enable us to consider further the matters that I have raised in the second reading speech and for the Minister to be able to answer other matters, the Opposition supports the second reading of this Bill.

The Hon. G.F. KENEALLY (Minister of Local Government): I thank the shadow spokesman for correctional services for his contribution to the debate. He pointed out that there is a fundamental difference between the Government and the Opposition in the approach to some of these matters, and that is certainly true. I will respond to some of the issues that he raised and try to explain the reasons for those fundamental differences. The honourable member was critical (and it is a fair criticism) of the fact that the regulations that one would have thought ought to be in place by now are not yet in place. I can assure the honourable member that each Minister of Correctional Services who has come and gone has done his best to have the regulations gazetted. Hopefully, we are getting very close to that.

I point out to the honourable member (and this will explain the piece of paper that I dropped on his table a moment ago) that the operative Act is still the Prisons Act. We have amended the Prisons Act by a Bill that was just passed, and those amendments must be reflected in the Correctional Services Act. The amendments, the list of which the honourable member just received, are identical to the provisions of the Bill that we just passed. Therefore, the Correctional Services Act will be amended in the same way as the Prisons Act was amended.

The Hon. D.C. Wotton: That makes it a lot clearer, because I did not receive the list of amendments.

The Hon. G.F. KENEALLY: Sure. The honourable member was correct in pointing out that at times like these confusion can reign supreme and it is fairly difficult to comprehend the pieces of paper that are placed on our tables at the last moment. I point out that the honourable member is not the only one who has to face this situation.

The member for Murray raised two points, one being a provision under which justices of the peace act as visiting tribunals. The honourable member pointed out quite correctly that when in Opposition this Government criticised visiting tribunals comprising JPs: we believed that magistrates should sit as visiting tribunals. In office, the Liberal Government legislated for magistrates to act as visiting tribunals, and we supported that. The question is why we are going back to JPs.

I accept the honourable member's point that this is in no way a criticism of the work done by JPs inside or outside the prisons, but there is a preference on the part of both Parties in regard to magistrates. We still prefer that magistrates should sit as visiting tribunals. If the resources were available and we were able to ensure that enough magistrates were available to do that work, there would have been no reason to amend the Act. However, as the Minister of Correctional Services in another place pointed out, we may well face a situation in the not too distant future where that can once again come together. There is no difference in philosophy in relation to magistrates instead of JPs acting as visiting tribunals: it is simply a matter of resources. We must be able to effect regulations that can be proclaimed.

The honourable member complained that the Government is taking away from the Department of Correctional Services the facility of an inspector who may investigate a complaint. We accepted in another place an amendment to clause 9 (5) providing that an inspector may in investigating a complaint be assisted by any other person authorised by the Attorney-General for the purpose. The fundamental difference between the view of the two Parties is in regard to the parole system *vis-a-vis* conditional release. The original concept of conditional release was recommended in section 3.11.10 (page 80) of the Mitchell Report. That report stated:

> We recommend the restructuring of sentences of imprisonment on a tripartite basis to consistent principles of equal times of imprisonment, parole and conditional release.

The Correctional Services Act, 1982 introduced by the previous Government did not reflect the recommendations of the Mitchell Committee. The Mitchell Committee wanted a tripartite sentencing which included conditional release, and that was an essential part of it. That tripartite sentencing was one third imprisonment, one third on parole and one third on conditional release. That was a recommendation of the Mitchell Committee and the previous Government did not introduce it.

When in Opposition, when I introduced the amendments to this Act, I said that I had some sympathy for the tripartite system of sentencing, but I felt that the parole amendments that we introduced were preferable. I want to respond to one or two comments the member made. He expressed what he said was the concern felt in the community as to the new parole system, that we were putting the community at risk, etc. There are no early releases. No prisoner can be released before the time the court has set; that is the minimum time before which a prisoner can be released. That is quite clear, and I do not think it serves any purpose for people to be suggesting that the court cannot do its sums. The court can do its sums. It knows when a prisoner will be released and no prisoner in South Australia will be released, prior to the time the court has said that that prisoner can be released.

I think the honourable member referred to some prisoners who were released in the interim period involving the change from the old to the new system. Here again, there were measures in the Act which provided for the Crown to appeal against any prisoner who might be eligible for release and whose non-parole period was such that the Crown had concerns about it. Of course, the Crown did appeal in a number of cases. The honourable member also quoted examples where he said people had been released under the Parole Act and had reoffended. Of course, that has been the case and will always be the case. As to the former system under which the honourable member favours prisoners being released on parole, I pointed out that probably the most notorious murderer in South Australia's recent history murdered five young women while on parole under that system. I do not want to point score, however.

The Hon. E.R. Goldsworthy: The Truro bloke?

The Hon. G.F. KENEALLY: That is right; he was on parole under the previous system. I could very well point score in relation to that matter, but there is absolutely no purpose to be served by either the Opposition or the Government saying that whilst you have a parole system there will be instances of people reoffending, because unfortunately that is the case. I think both Parties are committed to the parole system. In fact, I think it was the honourable member's Party that introduced parole, but the overwhelming majority of people who are going to offend are not yet in prison and there is no reason to believe at this point that they will go to prison, yet they will offend.

The honourable member mentioned the existing parole system. I do not know whether I misunderstood him, but I

point out that an offender on parole who breaches the parole conditions can be returned to prison for a period not exceeding three months. That is for a breach of those provisions and not for a new offence. A new offence is different. If a parolee is released and, as part of the conditions, told not to go into a hotel but nevertheless enters one, he can be taken back before the Parole Board. For that breach he can be returned to prison for a period not exceeding three months, so that provision is merely for breaches of parole conditions.

Offenders who are on parole and offend again are treated like any other offender. They face the court, and if their offence is such that it produces another gaol sentence they serve the rest of the original prison sentence before they are required to start the new sentence.

So, there is no getting out of imprisonment for re-offenders merely because they are on parole. That seemed to be a misunderstanding that the honourable member had. The honourable member also mentioned that the police were concerned about early release. If he took the trouble to check on the sentences that are now being placed on offenders by the courts, the honourable member would realise that they are now longer. People are now staying in prison for longer periods of time and, because of that, the police have no need to be concerned about the length of time that offenders spend in prison. In fact, the discussions that I have had with a number of groups of people before this legislation was introduced indicated that these provisions would result in longer sentences and prisoners staying in prison longer. That was correct. There was a certainty about that length of time which was acceptable to offenders, as opposed to the pre-existing system where the uncertainty caused a lot of agitation.

I also want to point out to the honourable member (and again he might wish to check this out) that shortly before I became the Minister responsible for this area the average time for which life sentence prisoners in South Australia remained in prison was something less than eight years. Not too many years ago it was six years and eight months, then it was eight years. In the short time that I was responsible for prisons it was 10 years, and now the average time that a life prisoner spends in prison in South Australia is longer than 10 years. In fact, people are staying in prison longer.

I point out to the honourable member that the responsibility for imposing a sentence on an offender rests with the courts, which, one assumes, are intelligent people who understand the system. No matter what system is applied, the court will always determine how long a prisoner stays in prison. I make the point that in relation to a number of the more notorious offences that have been committed in recent times people have been imprisoned for longer periods of time. Those people have been sentenced when the court was aware of the shock, horror and the concern of the community, and, taking account of that community concern, the courts applied appropriate sentences. If the old system applied, the honourable member knows that after six, seven or eight years had elapsed, the Parole Board would sit down and review the prison sentence of the offender, at which time it would take a more academic view of the sentence passed eight years ago, the shock and horror of the crime having dissipated. So, in deciding whether a person should then be released the original conditions would no longer apply. That is a very important point of which the honourable member should take account.

The honourable member made some comments about volunteers, but I think that matter can be taken up in the Committee stage if the honourable member wishes to do so. I shall leave my comments at that at this stage, and we can follow the discussion through in Committee. I shall finish on the same note as that on which the honourable member began. There is a fundamental difference between the Opposition and the Government on the matter of parole. The Government believes that parole is the responsibility of the courts. The courts are the most appropriate people to deal with this as they have access to all of the information and they know why they sentenced an offender in the first place.

The mode of thinking of the sentencing court cannot be assumed some years later. The sentencing court is the appropriate authority. I have never been really happy about the concept of a group of people determining later on whether or not an offender should come out of prison and making a decision based on whether a person has a job available for him or her, particularly during a time of extreme unemployment, anyway, or whether or not that person has a family structure to offer support, because many people do not have that sort of family structure.

If that is the basis on which people are to be kept in prison, unemployed people with no family structures to support them one would assume are highly at risk. I do not think that that is a sensible basis upon which to keep people in prison. Whilst I acknowledge that the honourable member and his Party believe that what they recommend is in the best interests of the community and, I expect, the prisoner, we would disagree because we believe that what we have introduced as a Government fulfils that requirement more appropriately. I thank the honourable member for his contribution and look forward to the Committee debate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Arrangement.'

The Hon. D.C. WOTTON: I move:

Page 2, lines 1 to 4—Leave out paragraph *(d)*.

I am using this amendment as an indicator in regard to other provisions dealing with conditional release as it deals with the whole question of conditional release. I made my views and those of the Opposition clear during the second reading debate. On a number of occasions in this House I have indicated that the Opposition believes that conditional release should continue to be an important part of the prison system. Time after time we have used examples to back up our theory that, if a prisoner is on conditional release and commits another offence during that period, he should be under threat of being returned to prison to serve the balance of his term of imprisonment. I realise that the Minister in his second reading explanation referred to the fact that they can be returned for up to three months.

The Hon. G.F. Kenneally: That is for breach of parole conditions, not the offence.

The Hon. D.C. WOTTON: I understand that, but we believe it is important that conditional release be there so that the prisoner is under threat of returning to prison to serve the balance of his term of imprisonment if he offends again. Conditional release provides a measure of constraint upon the offender, having been sentenced to a term of imprisonment. The offender is under that constraint until the period of the sentence has expired, either by serving a period in prison and parole or the whole of a combination of penalties.

The Minister should be aware of the community's call for clarification in a number of these matters as to what the handing down of the sentence really means. My colleague in another place, Mr Griffin, referred to a life sentence. If one were to stop and ask ten people in the Rundle Mall what was meant by 'life sentence' they would all give a different answer. We must give consideration to informing the people as to what these terms are all about so that they

know that, if a prisoner has committed an offence, that prisoner will receive a sentence of a certain length of time. The Minister of Correctional Services in debate in another place, as well as the Minister currently on the front bench, indicated that the sentences being handed down now under the new parole provisions have increased.

I have not got the statistics on that, but I find it very hard to believe. If it is possible I would not mind being able to obtain some information (I do not want the Department to go to a lot of trouble) to determine that this is the case. The Minister in another place also has said that the Government believes that the court above all should have the right to say how long a person should stay in gaol. That argument has been put forward again by the Minister tonight.

As my colleague in another place (Hon. Mr Griffin) has indicated, we are now getting to a situation where there is a degree of artificiality in the sentencing process where judges are fixing a non-parole period knowing that that non-parole period will be remitted by up to one third for good behaviour. That is something that concerns me, too, but I recognise that that is happening. There was a long debate on this matter in another place; it is not my intention to prolong the debate in this place—I realise that we have not got the numbers in this place—but it is a matter about which the Opposition feels very strongly.

As we have said before, we believe that conditional release should go hand in hand (it is not just enough to have conditional release) with the parole system in which the Parole Board should have a much wider discretionary power; I will say more about that at a later stage. I urge the Committee to support this amendment.

The Hon. G.F. KENEALLY: The Government opposes the amendment. I agree with one of the points that the honourable member made: there is a degree of confusion in the community as to what sentences mean. They set a head sentence and a non-parole period and they become confused. I will pass the honourable member's comments on to the Minister and see just how he responds to them. I will also pass on to the Minister the honourable member's request—and I appreciate that he suggested that the Department should not go to a great deal of trouble—to find out the comparisons between the sentences being applied now and what they were.

It was always known that the sentences would be longer because one of the reasons for the sentences and the non-parole period where the prisoners can earn a remission was to encourage the prisoners to rehabilitate themselves. I acknowledge, and I think that everyone acknowledges, that rehabilitation is very difficult to achieve but, nevertheless, it ought to be sought, and it was almost impossible to achieve it in the prison system that we had hitherto. One hopes that within a short time we will have a system that allows for rehabilitation, but the prisoner themselves are required, sometimes for the first time in their lives, to make serious decisions that affect their own lives.

Remission is not given to them automatically; it is not a matter of being entitled to 15 days and losing the remission for bad behaviour. They are entitled to nothing. They start each month with nothing and have to earn the remission that is a completely different proposition. The whole idea is to encourage the prisoners to take an interest in their own welfare, and I would have thought that if they by their own actions could reduce the period they spend in prison by a year or two they should be encouraged to do so.

The honourable member knows, because he has spoken to prisoners, that the thing that concerns them more than anything else is the date on which they will get out of prison. That is the one prime thought that occupies most of the thinking time of prisoners. Prisons anywhere are not palaces and in South Australia they are even worse than they are in most other places.

Here again there is a fundamental difference between us. The honourable member ought to read Justice Mitchell's report whence the conditional release proposition arose to see that the Opposition's interpretation of conditional release is different from Justice Mitchell's in the tripartite system that she recommended in which conditional release is more appropriate.

I just do not think it is appropriate in the system that the Opposition proposes, which is one of the reasons why the legislation was changed. There is this difference, and I know, as the honourable member said, that it has been argued in many places many times, and I expect that it will be argued again. I do not want to continue the debate. I appreciate the advice of the honourable member that this is a test clause, and I suppose it will be the only division on conditional release, as such. The Government opposes the amendment.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Meier, Olsen, and Wotton (teller).

Noes (19)—Mrs Appleby, Messrs, Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Mrs Adamson, Messrs Blacker, D.C. Brown, Oswald, and Wilson. Noes—Messrs Abbott, L.M.F. Arnold, Peterson, Slater, and Wright.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clause 4—'Interpretation.'

The Hon. D.C. WOTTON: I will not proceed with my amendment to this clause because it was consequential upon the decision reached in relation to the previous clause.

Clause passed.

Clauses 5 to 12 passed.

Clause 13—'Initial and periodic assessment of prisoners.'

The Hon. D.C. WOTTON: I move:

Page 4, line 25—Leave out 'as soon as practicable after' and insert 'within one month of'.

We are talking here about the assessment of prisoners. This clause seeks to change the situation under the principal Act where the responsibility for prison assessment rests with an assessment committee. Under this Bill, that responsibility is left with the Permanent Head. Although I do not think that that is such a bad thing, and do not feel strongly about it, I believe that there is a need for an assessment committee as well. I turn now to the need to place a time constraint on the time before the initial assessment of a prisoner who has been sentenced to serve more than six months is done. We say that the assessment must be carried out within one month of a person being admitted to a prison. I believe that it is only right that that assessment should be carried out within a month. I can find no reason why such an assessment should take longer than that. The Minister might be able to indicate why this cannot be done. I believe that all assessments should be carried out within one month of a person being admitted to a correctional services institution.

The Hon. G.F. KENEALLY: The Government opposes the amendment, and I will explain why. I think that everyone would like to see such assessments completed as soon as possible, and certainly within the 31 days that the Opposition has suggested. I think that, in the overwhelming majority of cases, that would happen. The difficulty about making this matter mandatory is that it runs counter to any appeal that an offender may have lodged. Before a prisoner can be assessed he or she needs to be legally clear of such an appeal

otherwise the Department runs the very severe and likely risk of interfering with a prisoner's rights. It is for that reason that the mandatory 31 day period cannot be accepted. If the honourable member wants an assurance in relation to this matter I can assure him that it is the Department's intention, which is realised in the overwhelming majority of cases, that a prisoner be assessed within that 31 days. In the odd case where an appeal has been lodged in order that the prisoner's rights are protected and so that the Department cannot be charged with interfering with those rights this amendment would be inappropriate—that is why the Government opposes it.

Amendment negatived.

The Hon. D.C. WOTTON: I move:

Page 4, after line 45—insert new paragraph as follows:

(da) any submissions made by the Commissioner of Police in respect of the prisoner;

The Opposition strongly believes that the permanent head, when assessing a prisoner, should take into account any submission that may be forthcoming from the Commissioner of Police relating to an offender. It makes sense, I suggest, that if the police have comment relating to a prisoner it is appropriate that the permament head should not only be allowed to do so but, in fact, should take it into account. The Minister of Correctional Services in another place said that the matter is covered because, from time to time, the permanent head will contact the police for information in relation to extradition, etc. He says that under paragraph *(h)* of this clause the permanent head can acquaint himself with anything else he thinks relevant. The Opposition does not believe that that is going far enough. We believe that there should be specific provisions requiring the permament head to consider any submission from the Commissioner of Poiice.

From discussions I have had with the police, I know that they strongly support this provision. That means that, if the Commissioner prepares a submission, the permanent head must have regard to it. Importantly, it also means that the Commissioner can prepare submissions for the permament head to consider if the Commissioner thinks that the submission should be made. Again, I cannot see why the Government is afraid of accepting it. It certainly indicated that it would not accept it in another place. Will the Minister explain, in more detail than was provided by the Minister in the other place, why the Government is not prepared to accept it? The amendment is logical, and it makes sense that the permament head should be able to take note of any formal submission that comes from the Police Commissioner. The police strongly support it. I urge the Committee to support this amendment.

The Hon. G.F. KENEALLY: The Government opposes this amendment. It was the subject of extensive debate when the provision was introduced some time ago. The Police Commissioner and the police have ample opportunity to present to a court all the relevant facts about a prisoner, which is taken into account in the court's contemplation of the crime, and the court proceedings are available to the department in the assessment it makes of the prisoner. I think that that is appropriate. The advice that the police give to a court is therefore available to the department. I do not think that it is appropriate at the other end, where the prisoner is eligible for release, that it should be mandatory on the Director to seek advice from the police.

However, there is no doubt that when the police come on information about an offender, and it should be provided to the Department of Correctional Services, it is so done. Of course, as always, it is considered by the Executive Director (the head of the department) which is only appropriate. That system, which allows the Police Commissioner to give advice to the departmental head when the Police Commissioner feels it appropriate, and for the departmental head to seek advice from the Police Commissioner if the departmental head thinks it appropriate, should continue. The police have ample opportunity to provide to the court and through the court to the department all the information it has on an offender, and that should be sufficient at that time to allow for the assessment and continued progress of the prisoner through the system.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Meier, Olsen, and Wotton (teller).

Noes (19)—Mrs Appleby, Messrs Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Mrs Adamson, Messrs Blacker, D.C. Brown, Oswald, and Wilson. Noes—Messrs. Abbott, L.M.F. Arnold, Peterson, Slater, and Wright.

Majority of 5 for the Noes.

Amendment thus negatived.

The Hon. D.C. WOTTON: I move:

Page 5—After line 23 insert new subsection as follows:

(7) A prisoner shall be given a copy of a programme prepared in relation to him pursuant to subsection (6), and of any subsequent additions to or variation of that programme.'

I was rather surprised to see what the Minister of Correctional Services had to say in the debate in another place. He certainly was not prepared to accept this amendment, but really did not explain why. He referred to the cost of the exercise and said it would be 'an administrative nightmare'. Of course, it means that the prisoner will be given a copy of his programme and should it be changed he will receive an amended programme, which seems sensible and appropriate.

The Minister of Correctional Services indicated that the assessment was in writing and can be made available, but he referred to what he described as 'incredible duplication' if every prisoner had to be given an update of it. The Minister of Correctional Services in another place did not give an adequate reason for not approving this amendment. The Minister at the bench may be able to explain why and may be able to give some indication of the cost involved if we are really talking about it as being an administrative nightmare. I hope that he can provide greater detail in his explanation in regard to this clause.

The Hon. G.F. KENEALLY: The Government opposes the amendment. I can only advise the honourable member what my colleague advised his colleague in another place: if this amendment was agreed to it could cause considerable administrative problems and costs.

The Hon. D.C. Wotton: Why?

The Hon. G.F. KENEALLY: Because of the amount of paper work, and so on, particularly as the Minister has pointed out that if it could be shown that there was a need and the prisoners were not aware of their programme, there might be some reason to change the Government's mind, but as there is no indication of that and as the prisoners are advised verbally of their programme, any prisoner who wishes to know what his current status need only to ask. If he is not told he can then find out by reference to the executive director, the manager or the Ombudsman. So, there is not really any need to go as far as the Opposition would wish, even though I understand its motives in moving such an amendment. Because of the cost and, as my colleague said, the administrative nightmare for the Department, the Government is opposed to this amendment.

Amendment negatived; clause passed.

Clauses 14 to 17 passed.

Clause 18—'Prisoners' mail'.

The Hon. D.C. WOTTON: I move:

Page 6, lines 2 and 3—Leave out ', with the prior approval of the Minister'.

We are talking about censorship of prisoners' mail. Why in the world does the Minister of Correctional Services have to get involved in which mail can or cannot be opened? As I said earlier in the debate, surely this could be and should be the responsibility of the superintendent (the manager) of the institution to determine when mail can be opened in accordance with the extensive code set down in section 33, to which I referred in my second reading speech. It is a very explicit code: it sets down in great detail the times when mail should be opened or should be stopped. The Minister of Correctional Services has said in debate in the other place that he opposed the amendment with some reluctance. He said that there may be a time when mail had to be censored, but that he could not think of a sensible example, and he explained that it was a very contentious area in an institution.

I certainly agree with that, and I can understand it. He says that the Minister has to accept the responsibility and not hide behind the manager. I do not agree with that. I do not recognise that is necessary. I do not think there is anything that indicates that the manager is hiding behind the Minister. The point is surely that we are talking about prisoners and they, as offenders, should accept the fact that their mail may be checked, as set down in section 33 (5) of the principal Act. In my opinion censorship of mail is an important part of prison administration and security. We have a code set down in the principal Act. It is explicit. It is an excellent code, and the censorship must be carried out in accordance with that code. The Minister said he could not give any reasonable examples and I do not see why the Minister should have to be involved in making such decisions. In my opinion the code should be followed quite firmly and should be at the discretion of the manager.

The Hon. G.F. KENEALLY: The Government opposes this amendment. I want to make the distinction between opening mail and reading mail. The Minister is not involved in determining whether or not mail is opened, because mail is opened and the contents of the envelopes are checked to see that no contraband is going in or out of the prison. The inspecting officer is not authorised to read the letter, so it is not a matter of whether or not the manager can open the mail, because the manager opens all mail; rather it is the reading of the mail that is not allowed. That is a responsibility and authority that should rest with the Minister and it is given only in what would be, I would imagine, very unusual circumstances. There is no real need these days for prisoners to be sending messages out by letter because they have contact visits where they are able to speak to their relatives, etc., outside. They also have telephones, which the honourable member's Government provided in prisons in South Australia.

The Hon. D.C. Wotton: Let's not start on that.

The Hon. G.F. KENEALLY: It did. I think it was a very good move.

The Hon. D.C. Wotton: If you want to be here for another hour and a half debating that point—

The Hon. G.F. KENEALLY: I am only stating facts. In a system where prisoners have access to phones and contact visits, it would be unlikely that prisoners would write letters indicating their intention to jump over the wall at 9 o'clock on Thursday, so there is no need to read the letters, but there remains the need to open the mail in order to check that no contraband goes in or out of the prison. For that reason the Government opposes the amendment.

The Hon. D.C. WOTTON: I would like to clarify that, but this is not the time to debate whether or not the previous Liberal Government put in red phones, which it certainly did not. I am sure that is the case. We have three heads wagging on the other side, so perhaps I will do some more homework on that. What I want to clarify is that the Minister indicated that all mail is opened.

The Hon. G.F. Keneally interjecting:

The Hon. D.C. WOTTON: Even mail to members of Parliament and the Ombudsman.

The Hon. G.F. Keneally: Within the code itself.

The Hon. D.C. WOTTON: That is all I needed to clarify.

The Committee divided on the amendment:

Ayes (17)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Rodda, and Wotton (teller).

Noes (19)—Mrs Appleby, Messrs Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Mrs Adamson, Messrs Blacker, D.C. Brown, Oswald, and Wilson. Noes—Messrs Abbott, L.M.F. Arnold, Peterson, Slater, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 19 passed.

Clause 20—'Segregation.'

The Hon. D.C. WOTTON: I move:

Pages 6 and 7—Leave out paragraphs *(a)* to *(f)* and insert 'by striking out from subsections (1), (3) and (6) the word "superintendent" wherever it occurs and substituting, in each case, the word "manager",'.

This amendment allows the existing section 36 to remain in tact, except to change 'Superintendent' to 'Manager'. The principal Act provides for separate confinement for a period not exceeding seven days when the Superintendent thinks fit. The Bill allows segregation for a period not exceeding 30 days. Under the principal Act, the Superintendent makes the decision. Under the Bill that is now before the House, the permanent head makes that decision. The Opposition believes that the decision should be made by the Manager, now called, and that it should be for a period of only seven days.

Of course, we recognise that the visiting tribunal would have the right to extend that period, but we believe that seven days is quite adequate. The Opposition would much prefer to leave section 36 as is: it provides safeguards and shorter periods than does this Bill. This is a very simple matter but it is one that the Government should look at very seriously. The Minister in another place did not provide very much detail in reply to this matter, either. I urge the House to support the amendment.

The Hon. G.F. KENEALLY: The Government opposes this amendment. The member introduces a response to a Supreme Court decision in a recent case where a prisoner was segregated and neither the Manager nor Superintendent of the prison but the departmental head was held accountable. This amendment merely reflects the decision of the Supreme Court, which has stated that the departmental head is responsible for segregation and will be held as such by the court; it is not the Manager or the Superintendent of the prison, and that is why the amendment has been introduced. The Executive Director of the Department will delegate to the appropriate Managers of the prisons the authority to segregate but the ultimate responsibility rests with the Executive Director. That is a decision of the Supreme Court and this amendment merely reflects that decision.

Amendment negatived; clause passed.

Clauses 21 to 24 passed.

Clause 25—'Repeal of s. 40.'

The Hon. D.C. WOTTON: The Opposition opposes this clause. Section 40 of the Act provides that if the prisoner does not plead guilty the matter has to be heard by a visiting tribunal comprised of a magistrate. We spent a considerable amount of time discussing this matter in the second reading debate. If a plea of guilty is entered it means that the two justices can still hear it. However, if the prisoner pleads guilty and if the prisoner requests that the sentence or penalty be determined by a visiting tribunal made up of justices of the peace, that is all right. If this is not requested, it can be heard and determined by a visiting tribunal made up of either justices of the peace or a magistrate, and that seems fair enough to me. I cannot for the life of me see why the Government wants to change it. The Opposition supports the present situation and opposes this clause.

The Hon. G.F. KENEALLY: The Government supports the clause for the reason that the justices would deal with only very minor matters such as breaches of regulations, etc., whereas any serious offence would be taken direct to the magistrate. The system that applies in the prison answers the reservations of the honourable member and of the Opposition. The Minister said that the best way in which he could respond was to point out what actually happens. That is what actually happens, and we believe it is appropriate. We oppose the amendment.

Clause passed.

Clauses 26 to 33 passed.

Clause 34—'Continuation of the Parole Board.'

The Hon. D.C. WOTTON: The Opposition opposes this clause. This involves the major difference between the view of the Government and the view of the Opposition in relation to parole. On many occasions, both tonight and in the second reading stage, we have said where we stand regarding the constitution and function of the Parole Board. We believe that the Board should be constituted differently, and we made that very clear in the debate on the Prisons Act in 1983. We believe that the Parole Board should generally have the power to consider a variety of matters that affect the date of release and the chances of rehabilitation of the offender: that the Parole Board should have wider powers: and that it is not necessary for a person of a particular ethnic, Aboriginal or other origin to be a member of the Board.

We made clear how we feel about the Parole Board not being a rubber stamp, and we feel very strongly that that is what it is at present. We are of the opinion that this clause is of major significance. Because of the amount of time I spent referring to the responsibilities of the Parole Board and the parole system, I do not intend to go any further with it. We feel strongly about this matter and the responsibility that the Government has adopted in this regard. We oppose the clause.

The Hon. G.F. KENEALLY: The Government supports the clause, which brings into the Correctional Services Act (which will be the operative Act when the regulations are proclaimed and the Prisons Act is repealed) the provision that applies in the Prisons Act. We are including the existing system, which presently applies under the Prisons Act, in the Correctional Services Act—we are transferring the provisions.

The Committee divided on the clause:

Ayes (19)—Mrs Appleby, Messrs Bannon, Crafter, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Trainer, and Whitten.

Noes (17)—Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Rodda, and Wotton (teller).

Pairs—Ayes—Mrs Adamson, Messrs Blacker, D.C. Brown, Oswald, and Wilson. Noes—Messrs Abbott, L.M.F. Arnold, Peterson, Slater, and Wright.

Majority of 2 for the Ayes.

Clause thus passed.

Clause 35 passed.

Clause 36—'Repeal of s. 60 and substitution of new ss. 60 and 60a.'

The Hon. D.C. WOTTON: The Opposition opposes this clause. We made very clear our concern about this matter during the second reading debate. The Opposition objects strongly to changes introduced in the 1983 legislation regarding the Parole Board and particularly the fact that it can sit in separate divisions. A main concern is who should comprise each division. When the legislation was introduced we asked what was the use of having a broadly representative Parole Board when it was able to split and where all interests were unable to be represented at such times. It is fine to have a representative Board, but one wonders why it is necessary to provide the opportunity for it to split.

The Minister of Correctional Services said that the Parole Board now has a significantly different function from that which it had in the past. I suggest that the main difference now is that it is a rubber stamp. I am not being unkind to members of the Parole Board, but that is the situation. This is all tied up with what the Government sees as being the main aims of the parole system and of the Parole Board. This is where the Liberal and Labor Parties differ significantly. This is one of the Opposition's major concerns about the Bill and this is related to the changes in the parole system. The Opposition feels strongly about this matter, but we will not divide on the clause, as the Government has shown where it stands on this matter when the Committee divided on clause 34.

The Hon. G.F. KENEALLY: The Government supports this clause. I reject the statement that the Parole Board is a rubber stamp—it has an important task. It monitors the progress of life prisoners and sets conditions for parolees. It monitors whether parolees are in breach of those conditions and so on. It has a continuing and important role. It is not often that the Parole Board would meet as two boards, but that would be a responsibility that the chairperson of the Parole Board assumed.

I take the honourable member's point about all views being represented. It is difficult to have all views represented on two individual Parole Boards; nevertheless, when the Parole Board need to divide into two, the Chairperson would have the responsibility to see that the appropriate persons are represented on each Parole Board. The Government supports the measure.

Clause passed.

Clause 37 passed.

Clause 38—'Court shall fix or extend non-parole periods.'

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

Page 12, lines 33 to 47—Leave out subsection (2) and insert subsections as follows:

(2) Where—

(a) a person who is in prison serving a sentence of imprisonment is further sentenced to imprisonment (whether for an offence committed before or after his admission to prison);

and

(b) the total period of imprisonment to which he is liable (taking into account the combined effect of the sentences referred to in paragraph *(a)*) is one year or more,

the court shall, unless it thinks there is special reason for not doing so, fix a period during which the person shall not be released on parole, or shall extend any existing non-parole period, as the case may require, but the period by which an existing non-parole period is extended shall not exceed the period of the further sentence of imprisonment referred to in paragraph *(a)*.

(2a) Where—

(a) a person who has been released on parole is sentenced to imprisonment for an offence committed during the period of his release on parole;

and

(b) the total period of imprisonment to which he is liable (taking into account the combined effect of the balance of his existing sentence that he is liable to serve pursuant to section 75 and the further sentence referred to in paragraph *(a)*) is one year or more,

the court shall, unless it thinks there is special reason for not doing so, fix a period during which he shall not be released on parole, and the non-parole period so fixed may be greater or less than the period he is liable to serve pursuant to section 75.

Page 13, lines 15 and 16—Leave out paragraph *(a)*.

This amendment writes into the Correctional Services Act a provision that we wrote into the Prisons Act earlier this evening.

Amendments carried.

The Hon. D.C. WOTTON: Having just agreed to the legislation relating to the Prisons Act and having supported that as part of this legislation whilst opposing other parts of the clause, I will continue with the points I wished to make before, because this clause deals with the fixing of non-parole periods—again a matter I referred to at some length in the second reading debate. It is a situation where the non-parole period under the principal Act is fixed by the court as a period before the expiration of which a prisoner may not apply for parole. The Bill before us now provides for the fixing of the non-parole period in the court and provides for automatic release upon the expiration of up to two-thirds of that non-parole period. Again, we have made our case clear on this matter on various occasions. It is obvious that both major Parties—Liberal and Labor—are poles apart on the principles of this clause and the Opposition indicates strongly that it opposes it.

Clause as amended passed.

Clause 39 passed.

New clause 39a—'Duration of parole in relation to prisoners other than life prisoners.'

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

Page 15, after clause 39—Insert new clause as follows:

39a. Section 69 of the principal Act is amended by inserting after the passage 'unless his release is cancelled' the passage 'or suspended'.

This new clause is part of the amendments we agreed to on the Prisons Act earlier this evening.

New clause inserted.

Clause 40—'Duration of parole in relation to prisoners serving sentences of life imprisonment.'

The Hon. D.C. WOTTON: The Opposition missed out on clause 39. We oppose clauses 40 to 48. My colleague Mr Griffin in another place made a point in the debate in regard to the Liberal Party's position on parole. The courts fix the maximum sentence and there is nothing indeterminate in relation to that except with life imprisonment. Under our policy in the principal Act the courts were required to fix a non-parole period. It was the time between the non-parole period and the conclusion of the maximum sentence fixed by the court where some discretion was to be exercised in relation to early release. The difference is that it was a fixed sentence and not an indeterminate sentence. We have had some real concerns about what the Minister has had to say in relation to this matter and, because of the time factor, I am not going to go into a lot of detail. It is a matter that I intend taking up with the Minister of Correctional Services on a future occasion, but again it is a situation where there is a major difference between the two Parties and we oppose these clauses.

The CHAIRMAN: There is actually an amendment.

The Hon. G.F. KENEALLY: I do not wish to debate any longer the point the member has made. I think he has put his argument and there is a fundamental difference. It has been argued on many occasions and in many forums and I do not think it serves any good purpose for us to be arguing at length tonight. I appreciate the member's attitude and I think he agrees with me.

I want to move an amendment to clause 40, which is part of the transfer of those provisions from the Prisons Act into the Correctional Services Act as a result of the agreement that the Minister and the member's colleague made in the Upper House on the advice of the Chief Justice. I move:

Page 15, line 44—after 'cancelled' insert 'or suspended'.

Amendment carried; clause as amended passed.

Clauses 41 to 44 passed.

New clause 44a—'Suspension of parole while serving imprisonment for offence committed before release on parole.'

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

Page 17—After clause 44 insert new clause as follows:

44a. The following section is inserted after section 74 of the principal Act:

74a. Where a person who has been released on parole is sentenced to imprisonment for an offence committed before his release on parole or for non-payment of a pecuniary sum—

(a) his parole is suspended for the duration of the imprisonment actually served in prison in pursuance of the subsequent sentence; and

(b) on his release from prison—

(i) he shall continue on parole in respect of the sentence that was first imposed for the balance of the period of parole remaining as at the date of the commencement of the subsequent sentence;

and

(ii) if released on parole from the subsequent sentence, he shall upon his release also be on parole in respect of that sentence for the period of that parole.

New clause inserted.

Clause 45—'Automatic cancellation of parole upon further sentence of imprisonment.'

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

Page 17, lines 7 to 13—Leave out paragraphs *(a)* and *(b)* and insert paragraph as follows:

(a) by striking out subsection (1) and substituting the following subsections:

(1) Where a person who has been released on parole is sentenced to imprisonment for an offence committed during the period of his release on parole and that sentence is not suspended, he is, subject to this Part, liable to serve in prison the balance of the sentence, or sentences, of imprisonment in respect of which he was on parole, being the balance unexpired as at the day on which the offence was committed.

(1a) Subsection (1) applies notwithstanding that at the time of conviction of the person, his parole may have expired or been discharged.

Amendment carried; clause as amended passed.

Clauses 46 to 48 passed.

Clause 49—'Remission for certain life prisoners and prisoners serving sentences exceeding three months.'

Mr BAKER: I have not entered this debate because many of the things about which we have argued and some of the amendments upon amendments show the incompetence of the Government in this arena. But I considered that now is the time to demonstrate clearly to the Minister, who was the Minister who introduced this legislation in 1983, what a purveyor of untruth he is. I now refer to the questions that were asked in Committee during the passage of that Prisons Bill. When I asked the Minister what 'remission' and 'good behaviour' meant, he said:

A lack of bad behaviour in itself will not warrant maximum remission. A prisoner will have to indicate a positive attitude

towards prison and need to be helpful, good in his work, efforts for education, rehabilitation etc. Commencing at the start of each month a record will be kept of every prisoner. The actions of a prisoner will be recorded by prison officers, who will have to give a copy of every notation they make to that prisoner so that he knows if he is scoring negative points.

This is garbage! A reply on 15 November 1984 to my Question on Notice showed that during June 1984 of the 101 prisoners 101 had shown a very good, positive attitude to the system; they had been good in their work; they had made every effort to rehabilitate themselves. It stretches the imagination far too much, and I will tell why in a minute.

In July 1984 one prisoner scored four days less than the maximum, two scored two days less, and one scored one day less and all the rest got maximum points. The Minister deliberately misled this House, or he offered inadequate instructions to the prison's superintendents concerned, or the prison superintendents are totally incompetent. This goes on, and we see that during August 1984 only three prisoners out of 125 missed out on the maximum, which was again a good, positive attitude to the system! We know that certain things were happening in the prison system at that stage, which meant that they could not possibly be all displaying a good, positive attitude to the system.

The Hon. D.C. Wotton: Particularly when they were going over the wall.

Mr BAKER: Yes, they were going over the wall, too. Here is the catch: I also asked how many prisoners had received full remission but had committed an offence. The Minister was very good in supplying a reply: he said that since 1 June 1984, 40 prisoners had received full remission—good, positive attitude, working helpfully towards the system—who had charges laid against them. I had an explanation for this: the Prisons Act states that the Director shall not in considering the behaviour of a prisoner take into account unsatisfactory behaviour.

One does not need to have to stretch the imagine too far to see that what they do can cause absolute bastardisation in the prison system today but that they cannot lose remission despite the fact that their behaviour is not towards a good, positive attitude, no matter what they do. The Minister says, and it says here, 'for which the prisoner is likely to be dealt with under another provision of this Act or any other Act or law.' It does not say that he actually has been proved guilty or innocent or that he has received any extra penalty. It says clearly here that there is a possibility that he may be dealt with under some other section. This is disgraceful! I cannot imagine any case where someone is displaying a positive attitude towards the prison system and committing offences at the same time. Rather than ask the Minister to provide me with a written description of what has been issued to the superintendents of each of the prisons in this State, I ask him whether he can provide me at a later date with the instructions that go out to these people.

Perhaps he can tell me whether every action is being noted, as he promised in his reply, and say how the system is really working. In June 1984 there was not really one bad prisoner—they were all making a positive contribution to the system.

As I said before, if the Minister introduced a system that was positive to the prisoners, if they did make a positive contribution, we would be heading in the right direction. Perhaps it is not the Minister's fault but that of his colleague in another place who now administers these provisions. Perhaps the two Ministers have not got together to sort it out. Certainly, there is a gross difference between getting 15 days remission for a positive attitude on the one hand and the situation on the other hand where days cannot be deducted.

The Minister made a number of undertakings in the Chamber on this provision that I believe have been broken. Obviously, there is automatic remission unless someone acts very poorly in the system. That is completely different from what the Minister promised. As the Minister knows, I was totally opposed to his approach to this Bill in regard to automatic remissions that would flow to prisoners already in the system and sentences that were related to previous sentencing procedures and not the new sentencing procedures. It has only cost the State one murder, one attempted murder, five rapes and 20 assaults—but I may be short of the mark because I have not kept up with the cost of releasing these prisoners.

The Hon. G.F. Keneally: You had better be pretty sure of what you are saying. This is rubbish.

Members interjecting:

The CHAIRMAN: Order!

Mr BAKER: I am saying to the Minister that prisoners were released early because he was unwilling to get them reassessed. The Minister knows that he was unwilling for them to be reassessed under the new rules being made by the State. We kept a record of every person who went through the system. As the Minister knows, I wrote and asked questions about this matter.

The Hon. G.F. Keneally: This is quite incredible!

Mr BAKER: The Minister was willing to risk the lives of people in South Australia by being totally cynical in the way he approached this matter. The Minister knows the cynical way in which he approached this exercise. If the Minister had the gumption he would ask for every prisoner to be reassessed. I asked for that because it was fair. That sort of catalogue of what has happened to the people who have been released early if they had been reassessed under the new system (the Minister has already been through the new system)—

The Hon. G.F. Keneally: This is unbelievable!

Members interjecting:

The CHAIRMAN: Order!

Mr BAKER: The point I am trying to make is that the Minister gave certain undertakings when the Bill was introduced. Despite my reservations about the whole procedure the Minister made those undertakings and the statistics show clearly that those undertakings have not been met. I ask the Minister to produce or to have his colleague in another place produce the instructions given to prisons and documents showing the procedures for notating bad behaviour so that prisoners can be advised of their misdemeanours so that they can get the 15 days a month in the next month if they have missed out in the month before. I shall be happy if the Minister gives an undertaking to release the material provided and directed to the prison superintendent and the records of action taken in the prison system.

The Hon. G.F. KENEALLY: I will get the information that the honourable member asks for. However, let me tell him that never in the 14 years that I have been in this House have I heard such an offensive outburst from a person in this Chamber. The honourable member ought to know that no prisoner is let out of prison sooner than the courts provide for that prisoner to be allowed out. I understand the member to say that any prisoner who is out on parole and who reoffends is the direct responsibility of the Minister. If this is so, who is responsible for the Truro murders—the honourable member's colleagues? On whom will he place that responsibility, because a man who was on parole committed five murders.

The honourable member knows as well as I, and I said this earlier when his more sane and reasonable colleague was debating this matter, that if we are going to be point scoring about prisoners on parole reoffending then we are all going to be guilty, if he is going to lay the blame before the Minister or the Parliament, because parolees will continue to offend. And who is at fault—the parole system, the

courts, the prisons, the Parliament, or the community? The fact is that his Party and my Party support the parole system. In fact, I think that it was introduced into South Australia by a Liberal Government. It happens to be a system that I support. It is a system that has certain risks about it.

I can tell the honourable member that prisoners who serve their full sentence and go back into the community are likely to re-offend. I also point out to the honourable member that the overwhelming majority of offences that occur in Australia in the next 10 or 20 years will be committed by people who have not yet been in prison. Therefore, I find quite offensive this pointing of the finger.

What I told the honourable member—and what he read out—is absolutely and strictly correct: no prisoner is entitled to remission. It is not a matter that at the start of each month a prisoner has 15 days allocated to him or her and then runs the risk of losing them. They start a month with nothing and have to earn that remission. At the end of the month their performance is assessed by officers in the department.

The honourable member cannot point his finger at me in this circumstance and say that I cannot do my job, or that I have misled the Parliament. He is pointing his finger at the prison officers in the prison system who are charged with the responsibility of reporting breaches of regulations or offences that might result in a loss of remission.

The Hon. E.R. Goldsworthy interjecting:

The Hon. G.F. KENEALLY: It is a bit late for the Deputy Leader to get into this debate now. The system is quite clear.

Members interjecting:

The CHAIRMAN: Order!

The Hon. G.F. KENEALLY: The responsibility for this matter rests with officers of the department. It gives them a management tool that hitherto they did not have. If officers of the Department are not fulfilling their responsibility that is a matter that I can look at. This is obviously what the honourable member charges. He might know a little more about what is happening with the prison officers than I do.

An honourable member: You're the Minister.

The Hon. G.F. KENEALLY: I am not the Minister; I have not been the Minister responsible for this area for 12 months. The honourable member should catch up on that. The member for Mitcham might have access to information that I do not have access to as he is alleging that prison officers in South Australia are not doing their duty. That is a different tack from the one his colleague took. If that is what he is saying, let him come out and say it. The fact is that remissions are earned.

The instances that the honourable member has referred to rather smugly, thinking that he is scoring points, relate to those prisoners who did not accrue a loss of remission because of breaches of regulations or actions the prison officers reported. They lost those remissions because they appeared before the visiting justices. The breaches with which they were charged were not ones for which the Executive Director or manager imposed remission losses. However, the visiting justices did, because the prisoners were taken in front of the justices, who are the only people who can take earned remissions from a prisoner. The Director, on the recommendation of the manager, can refuse to give prisoners remissions, but they cannot take remissions away from a prisoner.

That is earned remission: it is in the bank. It can only be taken off by a court. Concerning the cases addressed by the honourable member, those prisoners lost remission because they went before the justices, who are the only people who could take that action. So, it was not a matter of whether or not prisoners lost remission—they did lose remission. The honourable member asked whether they lost remission under the system of judgment on behaviour made by the prison officers in the system. I reject his allegations. I reject the allegation that I am a purveyor of untruth. I reject the allegation that I did not advise departmental officers of the Act. They know the Act and do not need to be advised by me, any way. I certainly reject the allegation he made about my responsibility for people who reoffend.

If the honourable member wishes to go down that track, I would like him to explain it a bit more. We could have got to this stage in this debate tonight an hour ago if we had wanted to, had these wild, irresponsible allegations been made earlier. The debate has been carried on, I believe, in a most appropriate way. This is an emotional subject and people can be reduced to making wild allegations, as we have seen. The honourable member's senior colleague and I have resisted that for very good reasons, as is now revealed by the performance of the honourable member. I reject everything he says and we certainly support the clause.

The CHAIRMAN: The honourable member for Mitcham.

Mr Lewis interjecting:

The CHAIRMAN: Order! Will the member for Mitcham resume his seat. The Committee debate on this Bill has been handled very well, both by the member for Murray and by the Minister. At this late stage in the debate it has deteriorated into some sort of mud slinging match. The Chair has no intention of putting up with it. I warn all members that if it continues the Chair will deal with members. The honourable member for Mitcham.

Mr BAKER: I think that the lateness of the hour and the past two days have probably made me a little testy about the whole issue. I apologise for some of the comments, even though I believe that some of the premises are true. In an objective fashion I will explain to the Minister exactly what I was saying. The Minister knows the legal point I was making about remissions: we battled it out. The Minister knows the situation that was caused because of the nexus between the new Bill and the old Bill, and why certain people were released earlier than they would have been. That is one of the things that is a shame to me under the new provisions. As far as the remission system is concerned, if 40 people were dealt with by the magistrates and, on my calculation only 15 days were lost in the whole period due to bad behaviour, there is something amiss with the whole system. I am not sure that the Minister was correct on that point, anyway. I am not sure whether the Question on Notice dealt with actual remissions as they related to behaviour during that month or whether it may have flowed over to the other month.

I go back to the point and make it calmly and quietly: from the statistics that have been produced and given to me from the system it would appear that it is not working in the way in which the Minister promised. The Minister made some very strong statements about the positive nature of people in the system.

As far as the hypothesis of where the fault lies is concerned, I put forward three propositions and the Minister addressed the worst proposition because it is obvious that he is going to try to blame someone. The first proposition was that the Minister did not tell the truth in the first place and, being objective, that must be a possibility on the law of probabilities; the second possibility is that the instructions relating to his response in Committee were not conveyed in the right context to the prison superintendents; and the third possibility is that the prison superintendents did not carry out those instructions, because the statistics and our knowledge of the system clearly show that the lack of loss of days of remission could not have been as low as it is if the Minister's instructions had been carried out to the letter.

It is quite a simple point. I am sure that, if the Minister can provide the instructions and a summary of the mechanism used in the prisons, I will be able to assess where the fault lies in this area. I wanted a very positive incentive from the remission system so that prisoners would contribute during their stay in prison. I agreed entirely with the Minister on that premise, if he recalls. I did not pursue that point once the Minister explained how the system would work. I thought that was a positive addition to the prison sentence. I was diametrically opposed to the fact that those who had been sentenced and given a prison sentence were not reassessed. I made that point earlier. If the Minister undertakes to provide that detail, the matter will rest there.

The Hon. G.F. KENEALLY: I have already told the honourable member that I will refer his question to my colleague, the Minister of Correctional Services, for action. The honourable member began by talking about the transition period between the old Act and the Bill. If the honourable member had read the Bill, he would know that it has a provision covering the transition period involving prisoners sentenced under the old system but due for release under the new system. The Crown is given the power to appeal in all those cases where it is felt that it might be inappropriate for a prisoner to be released. There is a provision in the Bill to do that, and the honourable member can check it. That is quite clear.

I am interested that the honourable member has added a third proposition to the two charges he mentioned earlier. As I understand it, the honourable member is now saying that I misled the Committee—but I am telling him now what I told him previously. That should convince the honourable member that my position, the proposition and the system have not changed. What I am telling the honourable member now is what I told him when we debated this measure previously. The honourable member's second proposition is that advice was not given to the prison authorities. I reject that because the advice was given to the prison authorities. In fact, copies of the Bill are made available to the prison authorities, as are departmental instructions.

The honourable member's third proposition is that the managers of the institutions themselves are falling down. I reject that. That is a matter that the honourable member will have to take up with the managers, if that is his view of what is happening in our prison system. However, that is not my view. I think our managers are doing an excellent job in their incredibly difficult task. I certainly have confidence in them, and I am sure my colleague, the Minister of Correctional Services, has confidence in their ability to administer the system. I appreciate the honourable member's agreement with the principles of the clause, that is, that there should be a definite incentive for prisoners to rehabilitate themselves.

I agree with that. I will pass on the honourable member's request for information to the Minister to see if it can be made available to him. I point out that his colleague (the shadow Minister) I think has already sought similar information, which we have undertaken to give him.

The Hon. D.C. WOTTON: I express my concern about this clause. The Minister would appreciate that we had a fair bit to say about this before. I do not think that it is good enough for the Minister to stand up in this place and say that the responsibility has been given to the officers of the Department, to the managers, or whoever it may be, in regard to remission of sentence. We have indicated and will continue to indicate that the whole parole system is not working. This section is not working, and it is up to the Minister to do something about it. It is not good enough for him to stand up in this place and say that the Government has handed over responsibility to the prison officers, and 'We do not want any more to do with it.'

I have indicated in this place many times that the community is concerned. They support the concept that the system is not working. We have said on numerous occasions that it is not working and that it is subjecting the community to risk. There is only one person responsible for that—the Minister. It is not good enough for the Minister at the bench at present to say, 'We have just handed all that reponsibility over,' because he was the Minister who brought down this new system. He knows what the system is all about.

The Hon. E.R. Goldsworthy: That's how bad he was: they had to chop him.

The Hon. D.C. WOTTON: It was very soon after this new system was introduced that the community started to express their grave concern about the system and it was about that time that the Minister was shifted sideways or somewhere or other. The Minister has indicated that it is now the responsibility of those people in administration—the prison officers and managers or those dealing with the actual prisoners. We have asked for the system to be reviewed and we will continue to ask for that on behalf of the community in South Australia. The Minister is responsible and the Government needs to accept that. It is not good enough for the Minister behind the bench to brush it off like that, because he was the Minister who introduced the system in the first place.

The Hon. G.F. KENEALLY: I think that there is a slight misunderstanding by the honourable member who has just spoken. I am not saying that the responsibility for the system rests with the prison officers: I am saying that the prison officers themselves have the day to day responsiblity to report people in the prison—the offenders—so that the necessary administrative action can be taken in terms of remissions unearned. I pointed out to the member for Mitcham and I point out to the member for Murray that until recent months people charged with serious breaches of regulations were dealt with by the visiting justices, so they were losing remission that they had already earned.

However, there is a progression: instead of dealing with them through the visiting justice or tribunal system, they are being dealt with administratively. If the honourable member keeps asking his questions, he will see that more and more people are not earning those remissions. Previously, they would have been dealt with by the justices and would have had earned remissions taken away from them.

The Hon. D.C. Wotton: It's not true.

The Hon. G.F. KENEALLY: The honourable member tells me that it is not true. He obviously knows a great deal more about what is happening in the prisons than my adviser alongside me.

Mr Baker: What about the statistics?

The Hon. G.F. KENEALLY: The honourable member does not have the recent statistics. The system is very closely monitored by the Department, and the Minister. There is a progression away from breaches being dealt with by the visiting tribunal to breaches being dealt with by the system under the non-earned remission system. If the honourable member feels that the system is not working, he is entitled to his view. I am telling the honourable member and this Committee that in all new systems there are always some initial hiccups. These hiccups are less prevalent—

The Hon. D.C. Wotton: The community should not be put at risk as a result of it.

The Hon. G.F. KENEALLY: No-one has been put at risk as a result of that.

The Hon. D.C. Wotton: Rubbish!

The Hon. G.F. KENEALLY: It is quite obvious that the honourable member has decided that he will not let the member for Mitcham be more outrageous than he is. No-

one has been put at risk as a result of this system. No prison officer nor anyone in the community has been put at risk as a result of this system. I repeat that no-one will be released from the prisons in South Australia prior to the time that has been set down by the sentencing judge and, when the judge decides on the penalty, the judge and the court know the minimum length of time that they will be prepared to have the prisoner stay in prison.

In addition to that is a period which can be served if the prisoner is of bad behaviour or which cannot be served if the prisoner shows a positive attitude towards the prison system. It is clear: it is one which the courts understand and which is working admirably. It seems that the only people who misunderstand it are those opposite and the people in the community who have been misled by those in this place and elsewhere who have a vested interest in doing so.

Clause passed.

Clause 50—'Managers may make rules.'

The Hon. D.C. WOTTON: The Opposition opposes this clause, which is really tied to clause 52, but I think that I shall speak on this clause now rather than on clause 52. Clause 50 seeks to provide that the Minister shall cause rules made under section 83 of the principal Act to be published for the benefit of prisoners, for the rules to be made known to the prisoners, and for a proper communication of the rules to those who, for some reason, do not understand, whether they be migrants, people who cannot read, or whatever the case may be. Under section 85 of the principal Act, a prisoner has to be provided with a copy of the rights, duties and liabilities of the prison plus the regulations and rules.

Personally, I think it is appropriate that they should be advised of their rights, duties and liabilities as well as the rules. It is not enough merely for the rules to be made available. The Minister in another place stated in this debate that it would be a massive undertaking to provide prisoners with a copy of their rights and obligations: that is how he referred to it. I find that hard to understand, as we are talking only about regulations and rules as they relate to this Act: we are not talking about regulations across the Board, but just as they relate to this Act. All I am saying is that this Bill limits the information given to prisoners, and it has significant limitations on what the legislation brought down by the previous Liberal Government—the Correctional Services Act—seeks to provide. That original provision should remain, and I oppose this clause.

The Hon. G.F. KENEALLY: When this matter was debated in the Upper House the Minister advised the Hon. Mr Griffin that the amendment resulted from the advice of the Crown Solicitor. The Hon. Mr Griffin said that he was surprised about that but that he would like to have further information from the Minister as to how the Crown Solicitor arrived at that decision. I think that when that information is provided to the Hon. Mr Griffin it ought to be provided to the member for Murray also. The Government has acted on the advice of its legal counsel: the Crown Solicitor.

Clause passed.

Clauses 51 and 52 passed.

Clause 53—'Insertion of new sections 85a and 85b.'

The Hon. D.C. WOTTON: The Opposition opposes this clause, which deals with new sections 85a and 85b. As was indicated in the Upper House, we should be moving to delete lines 15 to 21; there is really no problem in relation to new section 85b. We are talking about volunteers under this clause, and the Opposition's concern is the possibility of a Manager refusing to permit volunteers to participate.

As I said in the second reading speech, there is tremendous untapped potential in the community for people who have an interest and desire in a voluntary capacity to go into prisons and to to assist in so many different ways. I recognise that there will be times when a Manager needs to remove a volunteer because he is disrupting the management or causing some problem within the prison, but I do have some real concerns about this clause, as do other people in the community.

When one looks back over a period of time, one sees that a significant number of volunteers have contributed considerably to the correctional institutions in this State. I am now seeking clarification. The Minister has provided answers in another place to the Hon. Mr Griffin and has allayed some of the concern that I have expressed. However, it is appropriate that this matter should be raised again in this House and that the Minister on the bench be given an opportunity to explain exactly what this clause means in relation to volunteers and to give an assurance that it does not mean that people who are in a position to contribute significantly to the correctional service institutions, to prisons and the community generally, will be denied the opportunity to continue with that service.

The Hon. G.F. KENEALLY: I join with the honourable member in indicating my support of the volunteer system. It is vital to the operation of the prison system in South Australia and it is certainly one that we would encourage and wish to see continue. This amendment has resulted from advice that we received. There have been recent cases where the prison authorities have needed to take a volunteer out of a prison because of the actions of that volunteer. If the honourable member wants to talk to me afterwards, I may be able to give him some examples of what volunteers have been up to within the prison system.

The Department was advised that it had no power to evict a volunteer from the prison and could therefore have been subject to some kind of action. We are here providing the Department with the protection in law that, where it is necessary to take volunteers out of a prison because of their disruptive or other actions, then it is able to do so without the fear of legal action. That is no more power than the Department is entitled to have. Any volunteer who goes into the prisons—and there are, and will continue to be, many of them—and who acts accordingly will have nothing to fear from this provision. However, volunteers who go into the prisons—and I do not want to recount here some of the examples—

Mr Lewis: Why not?

The Hon. G.F. KENEALLY: No, I do not think I shall. I am prepared to tell any honourable member privately if they wish what some volunteers—very few, I would say—have been up to within the prisons. However, this does not mean that the overwhelming majority of volunteers within our prisons do not do a remarkably good job.

It does not mean that we do not appreciate the work they do, that we will not continue to support that work, or that we will not give them every opportunity to continue that work. All the Department wants is the power so that, when a volunteer acts totally inappropriately or contrary to the spirit of the contract, the Department is in a position to take action. At present it does not have that power. Under the present system, if a volunteer goes into a prison and behaves in a most inappropriate way, the Department is powerless to do anything about it. If the Department takes action, it can be liable for legal action. This provision merely seeks to redress that matter.

Clause passed.

Clause 54 and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN METROPOLITAN FIRE SERVICE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

COUNTRY FIRES ACT AMENDMENT BILL (No. 3)

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That the House at its rising adjourn until Tuesday 12 February 1985 at 2 p.m.

This motion is traditionally moved at this time of year, normally at the end of the proceedings or close to it, and I hope that there is no great difference this year, although all the signs are that we may go on a bit later. This is the appropriate time at which to extend Christmas greetings and express good wishes for the festive season with rest, recuperation and all the best for the new year 1985. In doing that, it is also traditional to acknowledge the assistance and service of those people on whom this place relies to function properly. In no particular order I would like to acknowledge all of those people, first the Table Clerks and the other Clerks. This year they have had particularly heavy duty in committee work. There has been the usual number of sitting days, but some of them have been fairly protracted.

It has been a very active year for the Parliament, and we have had great service and assistance of a high professional standard, as we have come to expect. The Attendants in the Chamber of course have also performed their duties, and they have certainly provided that essential assistance to all members of Parliament.

To *Hansard* I would like also to express thanks. The flow of words that pour out in this Chamber is recorded for posterity, for good or ill. Some of us probably sometimes wish that perhaps it was not so exactly recorded, while some of us are glad that it has been because if it were not we would miss some great moments of oratory and some appalling moments of invective. But through it all the *Hansard* staff faithfully records and keeps pace with speakers such as the Minister of Education in full flight, and for that we are very grateful indeed. This year they have been aided and abetted, of course, by the new fully installed word processing system. That has been an aid in terms of communication with the Government Printing Division and the production of proofs.

The Library staff also deserves acknowledgment. Use of the Library has increased and we now have our new Librarian in full action. I think members appreciate the services and facilities provided by that essential research element of the Parliament's work. I would also like to especially thank the catering staff for their marvellous efforts. I think the standard of catering has improved greatly through the year, and that has been evidenced by the number of members from both sides who are frequenting the dining rooms with a great deal more enthusiasm than perhaps they did in days gone by. The quality and range of food and other offerings have been very good, and I congratulate all those involved in the catering.

The caretakers, of course, on duty 24 hours a day, have done their usual good job. This year in one sense their job has been lightened by the new security system involving the camera operation and the pass key system that has been introduced, but nonetheless their presence is necessary and they have done a very good job. Incidentally, in mentioning changes to the fabric of the House it is also worth noting that this year we have been able to enjoy the renovated House of Assembly Chamber which has been splendidly redecorated and upgraded, and the danger of falling plaster has been eradicated. It was certainly a major project and one that has greatly enhanced the value of what is a major heritage item in this State.

To our friends and foes in the press gallery, the usual love-hate relationship between politicians and the press has continued unabated. They have given us some hard times and I guess we have given them some hard times, but I believe that there is in this State a competent and professional press gallery. I thank them very much for their extremely accurate reporting of most of the events that have occurred during the year. I hope that in giving that list of thanks I have not omitted any sector of those who work in and assist the House in preserving its material fabric, in gratifying our stomachs, sustaining us in recording our words, in assisting with our documents, and generally making sure that the Parliament operates smoothly and evenly. I thank everyone for their efforts during the year.

I guess we have a further vigorous period of legislation coming up in the new year and I expect that the same efficiency and application will apply. So, to you, Mr Speaker, to the staff, to all connected with Parliament House and to my colleagues on both sides of the House, we have had an enjoyable and lively year. We are all very much looking forward to Christmas and I wish everyone all the best for the Christmas season—a chance to relax, spend some time with their families, and gear up for the year ahead which I hope will be gratifying to all concerned to the extent that it can be in the atmosphere and environment in which we operate. I commend the motion to the House.

Mr OLSEN (Leader of the Opposition): On behalf of the Liberal members of Parliament and the Opposition I extend to all members of staff our sincere appreciation for their services rendered to us in the Parliament over the past year. I acknowledge their support and indicate that it has been very much appreciated. Whilst on occasions it may seem that it is taken for granted, it is not because the services given are very important to us and to the functioning of this House. The services that have been rendered by all members of the staff, whatever function they perform within the precincts of Parliament House, have contributed to the smooth flowing of the business of Parliament over the last 12 months.

Particularly during late nights, members wonder about their endurance, but it is appropriate that we acknowledge that those who are servicing the Parliament also have to endure those late nights and a number of other factors with which other occupational groups do not have to persevere. I thank the officers at the table for the advice and guidance that they have given to members of the Liberal Party and also thank the attendants for their support. I thank the *Hansard* staff who have the unenviable task of reporting all said in the Parliament and doing it so concisely. One is surprised at how grammatically correct our speeches turn out to be in the *Hansard* pulls the next day. I thank them for the service that is provided at all hours—it is very much appreciated.

I thank the Library staff and also the catering staff. In reference to the catering staff I endorse the remarks of the Premier in acknowledging the efforts of Mr Tim Temay and all members of his staff for the way in which catering services in this Parliament have improved remarkably to the benefit of all members of the Parliament and the guests that members bring in. Certainly the support that Mr Temay

gets and the motivation he has brought to all members of the catering staff is very much appreciated by all.

I refer also to the maintenance workers, caretakers and switchboard operators—people that we do not see from day to day as they are often closeted away. Their support is acknowledged and appreciated. I also thank the Parliamentary Counsel for the preparation of amendments and advice given on various Bills that come before the Parliament, often in a climate of pressure in that amendments and advice have to be obtained at short notice. They have always been obliging to the Liberal Party. I also thank the police officers for their tolerance and protection of the Parliament at all hours of the morning until we go home.

I refer to the secretarial staff servicing members of Parliament who, when away from their electorate offices, have to have the support of such staff. I acknowledge their service and dedication over the past 12 months. I also acknowledge the work and support of the press gallery. Whilst they are not members of the Parliamentary staff, I also acknowledge, as did the Premier, that they are an important part of the process in reporting and advising the public of the issues and performance in the Parliamentary arena.

We acknowledge all electorate secretaries and staff who service members of Parliament while they are away from their electorate offices because they are part of the Parliamentary process in servicing the electorate: the way in which they serve all elected members with their constituencies ought to be acknowledged.

Christmas is a period of goodwill to all members and I extend goodwill and best wishes for Christmas to all members of Parliament—the Government, the Opposition, the Independent members and the member for Flinders—and to all staff, and I trust that in having a happy Christmas we can look forward to 1985 with enthusiasm and motivation for the enormous challenge that is around the corner.

I trust that next Christmas the then Oppostion will be only too happy to extend good Christmas greetings to us. It is a time of reunion for family and friends and for the joy of Christmas to reach out to all individuals. I extend good tidings to all in this Christmas season and trust that all will return in the New Year enthused for what will be a very important Parliamentary year.

Mr BLACKER (Flinders): I, too, add my support to the words of the Premier and the Leader of the Opposition on this last day of sitting for 1984. Both the Premier and the Leader of the Opposition were very comprehensive in their references to members associated with this Parliament. They mentioned the Clerks, attendants, *Hansard* staff, Library staff, catering staff and the members of the press gallery. I was interested in the Leader of the Opposition's comments about the various challenges which are expected to take place. We all look to those with a great deal of interest because it will be a very challenging, and certainly an exciting, year for all concerned.

I noted in the press gallery a while ago one of the members who somebody said adds light to the gallery. One does not know whether to put it in those terms or to say that he is the bright spark of the evening. Be that as it may, we all wish that person all the best in his year of exchange in America.

In support of the remarks of the Premier and the Leader of the Opposition, I add my compliments of the season to all concerned and trust that on the return and resumption of this House on 12 February we can look forward to good constructive debate in the best interests of this State. I wish a merry Christmas and a happy new year to all.

Mr M.J. EVANS (Elizabeth): I also associate myself with the remarks of the previous three speakers at this time of the year on behalf of my colleague the member for Semaphore and me. As a new member I particularly have reason to be grateful to members of the staff in this House, who have been very generous in their support to me in the two or three days in which I have been present here. I extend the compliments of the season to all honourable members, members of staff and members' support staff out in the electorates. I briefly associate myself with the detailed remarks of the previous three speakers. I am sure that my colleague the member for Semaphore would also wish to be associated with them.

The SPEAKER: I extend on behalf of the House of Assembly good wishes for a merry Christmas and a happy new year to every person who works in this building and to some outside it. People who come to South Australia and see the work that is done by our table officers, by the other Clerks, by *Hansard*, by the Library and by the Joint House Committee have their eyes opened wide.

If one tries to tell people interstate, they say that one cannot do it on a shoestring budget, but Mr Tim Temay, ably assisted by his team of assistant managers, for a start, produces a cuisine as good as any in Hindley Street. Next, the waitresses deserve to be congratulated, and I must say that all members of the Joint House staff have gone to the trouble of educating themselves: we have had some very good results. Also, the place simply could not function if we did not have efficient Parliamentary attendants and building attendants. The way they go about their work with the great characteristics of efficiency, a moderated enthusiasm, and very great loyalty to every member is certainly appreciated. I hope I have not left out anyone.

The Hon. E.R. Goldsworthy: I don't think you mentioned me!

The SPEAKER: The Deputy Leader seeks recognition. A Merry Christmas and a happy new year to you, too. I did not mention *Hansard*, whose staff do a wonderful job every year. That is not to downgrade their effort—it does not become easier for them every year; it becomes harder. The situation is similar for other workers in the building. All members have a considerable debt to the people whom I have mentioned, and the two words that come into my mind consistently concerning all these people are 'efficiency' and 'loyalty', no matter what the circumstances may be.

Motion carried.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2218.)

The Hon. H. ALLISON (Mount Gambier): The Opposition supports this Bill. It provides for compulsory classification of video taped material. I remind the House that the Opposition sought this compulsory nature of classification more than 12 months ago after the 1983 Attorney's-General conference interstate.

That request to compulsorily classify material was refused by the Government and, in fact, the Government instead amended the Classification of Publications Act and introduced a voluntary classification scheme. A compulsory scheme means that material can be sold or hired only if it bears the classification ascribed to it by the Classification of Publications Board. Therefore, it means that the material has to have received a classification.

The sale or hire of unclassified material leaves the retailer open to prosecution under the Classification of Publications Act, and not merely as has hitherto been the case under the

Police Offences Act. Originally, the voluntary system allowed the retailer to sell or hire on condition that the retailer believed appropriate: that is, he or she assessed the classification of the material. Frequently, material that was hired or sold by video outlets bore an incorrect classification or in fact none at all and often that material was an R or even stricter rating than had the material been released as a film in a cinema. A very unsatisfactory situation existed.

On challenge, of course, the material was submitted to the Classification of Publications Board. By 'challenge' I mean if some members of the public objected to the material because they felt that it should have been classified. The Classification of Publications Board may have then examined the material and given it an even stricter rating than that assessed by the retailer. The retailer would then have been deemed to have committed an offence. Problems existed because the police, when prosecuting offenders under the Police Offences Act, had to prove either obscenity or indecency under section 33 of that Act. The police complained that they were in an invidious position and were often quite powerless to take the sort of action that they would have liked to take in such a situation.

The availability for hire or sale of the wrong type of video material tended to be the norm rather than the exception. This situation has been clarified and put beyond doubt. The problem that we associate with video material as opposed to printed matter and acetate films such as those shown in cinemas, on super 8, 8mm or 32mm cinematographic equipment, is quite different. Video is easily accessible and easy to copy. There have been massive video recorder sales over the past two years with as many as 10 000 video recorders a week being sold during the early part of this year. I assume that within a year or two most homes will have a video recorder in very much the same way as some 10 or 12 years ago the tape reel to reel recorder followed by the tape cassette recorder began to be used in practically every home in Australia. They are now very common place.

Of course, as people have more and more machines it only needs two neighbours to put two machines side by side and, by using patch cords, they have the facility to copy one video tape from another, a very simple procedure that has been used in South Australia, and in South Australian schools, in fact, since 1968 when the Federal Government made available the first black and white video tape recorders. The machines are extremely easy to operate. They are far more sophisticated but simpler to operate than the 1968 black and white machines. Also, they are extremely reliable. Minors have little trouble using them and they are almost trouble free. As a result, parents have little objection to letting their youngsters use such equipment.

With this in mind we sought compulsory classification of video material. The reason for that, of course, beyond what I have just stated about ease of availability of video tapes, is that television is an extremely powerful medium. One realises this when one sees how much political leaders are relying on television these days to spread their message and how much advertisers are using television at extremely high cost to spread the story of the attractiveness of their wares. I believe that any student of psychology would be well aware that visual impact has a strong and lasting effect upon the viewer. I believe that the ratio of visual impact on learning is about 85 per cent. The other senses, smell, taste, touch and hearing, comprise the other 15 per cent of experience. Therefore, sight is by far the most important educational and experimental of our senses. Video television can be viewed and re-viewed. One can put films through at a slow pace. They even show a very clear still image as opposed to the rather rough image available when video recorders had only two heads. Some recorders now have four or five heads and give an extremely clear, still picture that can be held for four or five minutes without damaging the machine.

With that extra flexibility of the video tape recorder over a book or an ordinary film, one can imagine that there is a great deal more stimulation available to the old and young from viewing video material. One does not have to be an academic to understand that. The sheer volume of video material that has come on the market in the past two years speaks for itself. The corollary to all this is that irresponsible adults can do irrevocable harm to minors by being permissive or neglectful. By permissive or neglectful I mean by allowing youngsters to obtain and view this material either under adult supervision, entirely alone or in the company of other youngsters, without adults present.

Much has been made of the rights of adults to view whatever they wish. I point out to the House that some years ago the only amendment to the Classification of Publications Act that was allowed by Don Dunstan was when we made the point that adults simply did not have a right to view things, particularly when the people involved with the publication of films and books were themselves abused. The former Premier of South Australia, the Hon. Don Dunstan, accepted an amendment to outlaw the possession, hire and sale of any material involving child pornography because, to make that sort of material for an adult to enjoy, a child somewhere in the world had to be abused. The Premier somewhat reluctantly saw the logic of that argument and ultimately accepted the amendment.

The adult right to view material has to be questioned. One does not have a right if one's rights are going to impinge on the rights of others. In fact, one only has to see the 130-odd Bills put through the South Australian Parliament every year to realise that everyone is free to do as he or she is told. The Bills tell you what you cannot do and keep us under restraint. The rights we are insisting on are certainly impinged on by every Act of Parliament put through the State and Federal Houses in Australia.

The Liberal Party viewed with great interest the interstate trip that the Attorney-General made recently to convince the rest of Australia that his concept of a review of the Classification of Publications Act was correct. Much to my horror his view prevailed. The Attorney-General, during the Budget Estimates Committee debates, elucidated the rationale behind his point of view in explaining some of the questions raised with him. He said then that he was anxious to ban X material but to replace it with a classification he then labelled as dealing with erotica. In fact, it came out as an ER rating.

I viewed with some scepticism that ploy because I thought that it was really selling Australia a pup. If one looks at what South Australia was already doing, one sees that it had already banned by far the greatest proportion of the objectionable material. There was a whole range of things—bestiality, sexual aggression where people were reluctant and unwilling to take part in sexual acts, acts of terrorism and child pornography, which was banned in literature years before—banned in South Australia leaving X rated material, which was essentially hard core pornography.

The Minister said that he would like to retain the erotica for the use of adults on the basis that anything that was done against an adult's wishes would be banned but that everything else, if it was done by consenting adults, would be permitted under the erotica classification. Sure enough, the Minister's point of view prevailed and he came back saying that his approach had been adopted.

It was adopted on Party lines. The Labor-ruled States in Australia accepted his suggestion for an erotica classification, while the Opposition conservative States opposed it. The conservative States opposed it, I think quite rightly given the massive number of petitions received in South Australia

and elsewhere calling for the Government to completely ban X rated material. This State of ours, where former socialist Attorneys-General have been so happy to lead, is dragging the chain for once. We have let Victoria, Western Australia, Tasmania and other States decide to ban X rated material, if only *pro tem*, to give time for further public comment and Government review. However, this forward-looking Government in South Australia did not take that action; instead, it came up with the happy alternative.

What does the provision of an erotica classification mean? It means that only 5 per cent of the remaining material that was not banned in South Australia is now going to be banned; the other 95 per cent of material classified under the X category will still be available. That material can be obtained by adults and left around for impressionable youngsters to see, creating what we on this side consider to be extremely adverse effects on the sexual and moral standards of our youngsters. Young people in their mid and early teens and certainly those in the pre-teen years are extremely impressionable. They do not have very strong value judgments and their ideas are gleaned from what they see and hear. Unless we adults take a stand, even if it is a double standard to protect young people, we will be selling them short.

Time and time again we on this side have made the point that we in Parliament along with other responsible people in the community are the leaders. We are not here to set a new pattern for members of the public; we are here to listen to them and to represent them. As long as there is a substantial volume of conservative people within the South Australian electorate, it is our duty to see that their points of view are represented and to let the very small minority views prevail, if they will. However, the South Australian Parliament has been trendy and trail blazing on many occasions and has set new standards which were much lower than those already existing, particularly at a moral level. We are not the leaders but the misleaders of South Australia.

Once again, I believe it is time that we accepted our responsibility, erred on the side of conservatism and rejected the double standards that have been so prevalent over the past decade, particularly under a socialist administration in South Australia. We must take a stance somewhere. Whatever the squealing minority groups may say about the approach taken on this side over this legislation, I believe they should be ignored. The removal of the ER classification from the Bill should be supported.

In case there is any doubt about what I am saying, I remind the House that the conservative representatives at the Attorneys-General recent conference in Brisbane on 29 October, including the Queensland Minister of Arts (Mr McKechnie), said that they felt the Labor dominated meeting had come up with a solution to fool the churches, families and even some ALP politicians. Mr McKechnie said that the ER category would contain intercourse with explicit genital detail, explicit oral sex, explicit masturbation and ejaculation, explicit anal intercourse and non-violent fetishes. Mr Sumner, the South Australian Attorney-General, replied that the representative from the Northern Territory, a Country Liberal Party member, had been the strongest advocate of an ER category. Simply because Mr Sumner mentioned a conservative representative from the Northern Territory as supporting his argument is no reason why we in South Australia should agree. We can make up our own minds about what is good or bad for South Australians, particularly our youngsters.

I have heard that United States reports have come up saying that the impact of video porn is quite gentle and is not really adversely affecting the young people of America. I reject that out of hand and would point out their Q.C. Smyth who came to South Australia recently and who gave up his legal practice in order to crusade around the world (not as a Festival of Lighter but as someone interested in the welfare of the UK children) came up with findings that were diametrically opposed to those of the US.

There is a much higher incidence of sexual criminality in the UK. Research over there has proved that it is directly attributable to the much increased availability of very nasty sexual video material that has been spreading all over Europe (Denmark, Sweden and Western Europe) into the UK, America and Australia. It is a massive and very lucrative trade. The fact that it is lucrative should not deter us from taking a strong stand against it.

I do not think that the fact that the video material might be driven underground by our actions should deter us from taking a stand against it, because if it is driven underground at least adults generally will acquire it one way or another, not youngsters. The cost of that material will preclude youngsters from having ready accessibility to it, and it is the young people of Australia whom we should be protecting.

The allegations that were made about the availability of 95 per cent of the X rated material under the new ER classification and the fact that this material was very closely allied to category 2 classified publications has been denied by the South Australian Attorney-General, who said that the Hon. K.T. Griffin listed a number of category 2 restricted publications. He claimed that the category 2 had in fact been recently amended. He said that Mr Griffin had listed a number of fetishes which have now been taken out of classification category 2.

Category 2 now reads: 'Fellatio (detail); cunnilingus (detail); foreign objects in anal and genital orifices; anal intercourse; ejaculations; fetishism; and bondage without cruelty'. After fetishism these latter categories are to be reconsidered: fetishism, bondage without cruelty, masochism, mild sadism, sexual activity associated with mild violence and now incest between adults. The Minister said that following the Classification Board's decision last year there is a new list of category 2 criteria. At this stage he says:

> I believe that with respect to videos all those matters mentioned after fetishism, namely, bondage without cruelty, masochism, mild sadism and sexual activity associated with mild violence would not be permitted under the ER category: they would be refused classification, as I understand it, the way the new ER category will operate.

How much does that soften the possible impact upon young people of ER video material? What is still left in? Obviously, says the Attorney-General, some fetishes would be allowed. The effect of the ER category is to allow 'Fellatio; cunnilingus; foreign objects in anal and genital orifices; anal intercourse; ejaculations; and fetishism in a consenting situation involving adults, but not a situation where there is any suggestion of coercion or violence.' So, he says it is a purely erotic category. I ask you!

The video porn trade is massive across the world. To people who make video porn it is just another job of work. The morality is not considered: the money is the sole object. I do not think that anyone would deny that there are a vast number of actors who enjoy making video porn or who may be placed in the invidious position of being so impoverished as to find that the making of video material is an easy way of lifting them out of poverty. For cash I suggest that people who appear in video porn will do almost anything, so the area of erotica in the field of consenting adults taking part must be almost unlimited.

There would be very few acts of sexuality that cannot be available or experienced visually through the medium of video television. I point out to the House that with that argument that is the reason why we believe that our young people should be protected by the banning, not only in South Australia but across Australia by the Federal and

State Governments of video porn. In case we are feeling rather in despair, the Thursday 6 December edition of the *Southern Cross* has a front page article in which, contrary to the expectations of the Queensland Minister for the Arts, the churches, particularly the Catholic bishops, have not been sold the argument that has been propounded by the South Australian Attorney-General. Instead, we have the front page heading, 'Ban all X rated videos, say Bishops', and they list their objections, which are very closely aligned to those that we on this side of the Government of South Australia have been propounding for a long while—not simply this year but for the last couple of years.

Mr Trainer: 'We on this side of the Government'?

The Hon. H. ALLISON: The Government comprises not only the ALP but also the Opposition, in case the honourable member is wondering. Surely the Government of South Australia comprises everyone in the House. Without an Opposition it would be simply a dictatorship.

The Hon. Jennifer Adamson: The Parliament of South Australia.

The Hon. H. ALLISON: The Parliament of South Australia—the Constitution of South Australia—makes no mention of politics or Parties. It simply refers to a number of people who can come into this House to make decisions, and the fact that we have a dividing line—left and right—is coincidental to the Constitution, not a part of it. It is simply a means of administering an administrative decision. The Government comprises the elected people. We on this side of Government in South Australia who do have some influence do not accept the arguments of the Attorney-General and we are very happy to see a substantially amended Bill before us now.

I am disappointed to see that the Government Minister in charge will reintroduce all those amendments and reinstate the Bill as it originally came before us. Of course, we will oppose those amendments in this House. In the context of compulsory classification there have been some improvements: we are not denying that. The present legislation is a better piece of legislation than that introduced giving voluntary classification last year. We now have the compulsory aspect and we praise the Government for that. The Bill now proposes that we have criteria for classification such as G and NRC, which correspond with the criteria for such classifications under the Classification of Films for Public Exhibition Act. The criteria for an M film will now allow less violence than has been the case in recent years, and we applaud that.

There will be an R classification, and the provision for an ER category, which contains 95 per cent of those videos currently allowed in the X category, we have opposed, of course. X ratings will be removed. There will be an amount of material that will be given no classification at all and people will not be allowed to hire or sell any material that is not classified. However, all videos depicting child pornography, bestiality, detailed and gratuitous acts of considerable violence and cruelty, explicit gratuitous depictions of sexual violence against non-consenting persons, sexual bondage, rape, sexual activity with significant violence, and material concerned with mutilation, painful torture and other acts of gratuitous and unnecessary violence, most terrorist material, and material relating to serious drug abuse will all be refused classification. That sounds very good if it were an innovation, but, as I said earlier, most of that material has already been banned in South Australia and it is the X rated material against which we are addressing most of our recent criticisms.

The category 1 and 2 classifications for printed publications will apply only to printed publications, and videos will be classified separately with the G, NRC, M, R, or, depending on what happens to this Bill, ER classifications, and conditions in relation to sale will be attached according to those classifications.

The broad criteria are as follows: G will be suitable for general viewing; NRC or PG (parental guidance) will be suitable for viewing by a person under the age of 15, subject to parental guidance; M cannot be recommended for viewing by a person under the age of 15; R for restricted exhibition—minors prohibited in theatres—and minors can see it in private if a parent, guardian or person acting with authority exhibits it; and ER (restricted exhibition) in private only, unsuitable for viewing by a minor. Minors can see it if exhibited by a parent or guardian only.

So, that quite horrendous material under the terms of this legislation introduced in another place can be shown to a minor if viewed in the presence of a parent or guardian. It is to be sold or exhibited only in restricted publication areas; to be delivered only to adults making a direct request; to be delivered only in plain paper wrapping; not to be advertised except in a restricted publications area or by way of material delivered at written request.

The conditions attaching to the sale or hire of videos are as follows: G, NRC (parental guidance) and for M, there will be no restriction. Secondly, R videos are subject to a number of conditions, and I do not propose to travel through the whole range of conditions this evening, since time is pressing and we have a number of other speakers. The ER film is also subject to a number of conditions very similar to the category 2 restricted publications.

The penalty for selling or hiring a video that has not been classified is, under the Bill before us, $10 000, and I understand that it will be reduced back to $5 000, as there is an amendment on the books at the moment. That is nowhere near sufficient because of the vast sums of money that are made through the manufacture and distribution of pornographic material: $5 000 will be chicken feed to the people who are distributing such material, and $10 000 still would be a relatively small bill to be picked up.

There are a number of matters in the Bill which have been given attention in another place, and the Bill as we see it before us we consider to be considerably improved upon that which entered another place. I urge honourable members in this House not to accept the amendments which will be considered in the Committee stage but to reject them and to retain the legislation as it stands in its present form.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I support the Bill as it has come to us from the Legislative Council and certainly oppose some of the intentions that have been made clear by the Government. First, the Attorney-General of this State is trying to put over an immense con trick. He has been very loath to act. The Labor Party has been very tardy over a long period in relation to video pornography. There has been widespread concern in the community, particularly among parents of young children and among church leaders, and that concern has been evident for about 18 months now. The Liberal Party was determined quite some time ago that something should be done in relation to hard core pornographic material.

The Labor Party has been very slow off the mark and in fact the Attorney-General has come up with a scheme which he calls a compromise but which in my judgment is nothing but a con job. A lot of people in the community did not know, and I believe that quite a few people still do not know, what he is proposing. The first scheme mooted by the Labor Party involved some sort of voluntary scheme (have we ever heard such nonsense!) for classifying this material. What a hopeless suggestion that was! However, as a result of a fair bit of public pressure and a great deal of concern expressed by responsible people in the community,

the Labor Party and the Attorney-General in particular tried to give the impression that they have done something to contain this material. They are bandying about the word 'erotica'.

Let there be no mistake: what Attorney-General Sumner wishes to make freely available via videos is hard core pornography. That is not what it is popularly called but that was what it was universally called until this sudden big compromise—it is suddenly called erotica. The updated 1983 edition of the *Concise Oxford Dictionary*, which is about the best glossary of words used in this nation and in the English speaking world, tells us what we are talking about when we talk about pornography. This most up to date and widely recognised glossary of the English language defines pornography as:

> Explicit description or exhibition of sexual activity in literature, films, etc., intended to stimulate erotic rather than aesthetic feelings; literature etc. containing this material.

If anyone thinks that, because we use a new name for this material we can pass it off as erotica, they are fooling themselves and seeking to fool the public of South Australia. There is a far less precise definition for erotica:

> Erotic, of sexual love, amatory, erotic literature or art.

That is a far less precise description of what we are talking about. If we want to talk about the material that the Attorney has spelt out in the other place, we should talk about hard core pornography. I might say that, because of the rather complicated set of classifications (it is certainly complicated to the lay reader), it has been very difficult to glean just what the Government was on about. I do not believe that a vast majority of people know what the Government is on about. Only in recent days I came to understand what the Government was trying to make freely available.

I refer to the press statement quoted by the member for Mount Gambier. I believe that what Mr McKechnie from Queensland said was precisely the case. Mr McKechnie attended the meeting of Attorneys-General, at which the South Australian Attorney-General was successful in persuading some of the other States to back right off the ban on X rated material that had been imposed. I believe that New South Wales and Western Australia, Labor States, had imposed a complete ban on X rated material. The Attorney was so succesful that he got those States to back right off. It was an amazing back flip. I do not know what the Premiers of those States thought. Certainly Premier Burke of Western Australia has shown a bit of common sense in relation to a lot of these matters, which have all pervasive influences in the community. I do not know what Premier Burke thought of his Attorney-General. I do not know whether Western Australia will enact this legislation. It certainly was an enormous back flip from the position which he had adopted and for which he had been given a lot of marks in Western Australia and around the nation. Mr McKechnie was quite correct in what he said:

> The States and the Commonwealth were locked hand-in-hand in an attempt to legalise pornography.

That is precisely what it is, as is evidenced in the *Oxford Dictionary:* it is hard core pornography. Let us not get carried away with this new word 'erotica', because it is not erotica but hard core pornography, and there is no other way to describe it. As has also been pointed out, the voting at that conference was a shake-down on Party lines almost. The Labor States bought the so-called compromise of the smart talking Attorney-General from South Australia and they decided to legalise hard core pornography.

I do not intend to refer to the erotica terminology while speaking about this ER category, because it is not erotica but hard core pornography. Let us not fool ourselves into thinking we have found a brand new solution to letting some of this stuff in while just cutting out the violent bits. Until this year it has never been referred to as anything else other than hard core pornography, and that is where millions of dollars have been made around the world and where millions will continue to be made in making and distributing these videos.

The Liberal Party's attitude has been quite clear for well over 12 months, whereas the Labor Party has vacillated. If ever I saw someone doing some verbal fancy footwork it was the Attorney-General when he was interviewed on the Phillip Satchell Show. Phillip Satchell was trying to pin him down, and the Attorney was sliding off in all directions. I found that interview quite interesting while I was driving down to Adelaide. Satchell was quite persistent in trying to pin him down, but the Attorney-General would veer off. The end result was that in no way was he going to ban hard core pornography; of course, he was not forthright enough to say that and kept referring to this new ER category. However, anyone who read between the lines would have known that he wanted to legalise hard core pornography.

The Labor Party seems to think that there has been some great stroke achieved by cutting out the violent bits. However, snuff movies, which is what I think they are called, contain explicit scenes of violence, killings, mutilation, death and all the rest of it. There is a lot of violence seen on television, and a lot of these researchers have come up with answers on the effect that that has on young people. It has been said that in New York for every violent crime shown on a television programme that crime will be repeated somewhere within that city within a fortnight. I do not know whether that can be substantiated statistically, but that claim has been made by a researcher. But it bears out the point made by the lead speaker for the Opposition tonight, namely, that television is a very powerful medium indeed.

A phenomenon of the last couple of decades is that television has become the most influential means of invading the minds of young people in this modern day and age. It is proposed by the Labor Party that this hard core pornography (there is no other name for it, and I reject entirely this new erotica description) is to be made available so that it can be seen in households in South Australia. For many years a former State leader and others in this State have with a free-wheeling outlook thrust down our throats the proposition that adults should be able to see and read whatever they want to.

We managed to convince them that child pornography was not suitable viewing for anyone, simply because the making of child pornography involves the abuse of children. That proposition was fairly reluctantly accepted but eventually the former Labor Administration decided that it would outlaw child pornography, and that was after we had been saying for a long time that that should be done.

So, there is an immediate qualification in relation to what adults can read and see. Here is this immutable principle that adults should be able to read or see anything they like. Now, bestiality (intercourse with animals, and the like) has been removed. So, there are some standards that the Labor Party will implement to modify this immutable principle that was stuck down the throats of people in South Australia for years. That is the principle that adults must be able to look at and read what they like. Now, we have this qualification.

Because television is so intrusive in this day and age, there will soon be a wide dispersal of material. It is inevitable that, if this material goes into houses, it will fall into the hands of children, either wittingly or unwittingly—as sure as the sun sets and rises and day follows night. If this material is available in South Australia to be seen on home videos, kids will see it—there is nothing surer. If we believe in drawing a line—even with the Labor Party's principle of seeing and reading anything one likes—and qualifying the

issue as it should be, such as is now the case with bestiality and violence, we should then be looking hard at the principle and at how we ought to modify it if this material is going to be available to children.

I have never accepted these so-called principles that one can do as one likes in the name of freedom. There will always have to be modifications in terms of the effect it has on others, otherwise we would not have the breathalyser, and the like. How far do we go in relation to what we do to protect young people from such material? The horse has already bolted, but at least we ought to have a go at trying to do something to control the free flow of this material—this hard core porn and not erotica, as it is called. I am not too impressed with our Attorney-General and his fancy footwork and the con job he has managed, to my amazement, in selling the principle to these Labor States who brand X rated videos. He has managed to sell it to them and is now trying to slip in the back door and kid the public of South Australia that there is some new category that we ought to allow.

The material will be widely available, and children will see it if the Government has its way. I suggest that we draw the line way below where the Labor Party is prepared to draw it. Since the late 1970s it has qualified its so-called immutable principle in regard to people being able to see anything. The line should be drawn way below where it is currently drawn. We get a big song and dance about the fact that this stuff is made by consenting adults, and the member for Mount Gambier mentioned this point. The depiction in the movie is that the people are consenting to the act. It seems too fine a point to be worried about. There is a big hoo-hah about this consent. As has been pointed out, adults will consent to anything if the price at the end of it is high enough. There is a whole traffic of child pornography, as there was a traffic in slavery and all sorts of undesirable activity. That will be the case if the price is right and there is money in it. The money involved in pornography runs into billions.

I saw an account of one young woman who was advised not to get into prostitution as there was more money in making these movies. So, she went into making pornographic movies and consented to do it because the money was right. The fact that adults consent to make these movies is completely beside the point.

People will consent to do any damn thing if they get paid enough. The fact that they are consenting to make some of these movies—and the list was read out by the member for Mount Gambier—is completely beside the point. That does not set the standard by which we judge how we will modify what will be freely available throughout the community and within easy reach of children. No way! That, again, is a red herring. It has nothing to do with the fact that they are consenting to do it. People will consent to murder if one pays them enough money. That is an absurd argument!

The other point that indicates the Attorney General's lack of real sincerity and real will in relation to this matter is the penalties that he seeks to impose for breaches. One is not talking about a little cottage industry in the back streets of little old Adelaide when one is talking about the pornography industry: one is talking about a billion-dollar industry—one is talking about worldwide distribution, with enormous sums of money involved.

But the Attorney-General suggests that a $10 000 fine and six months in gaol for people who want to be part of this billion-dollar industry distributing this material is too harsh. That is the maximum penalty, by the way. He is arguing about that! I do not believe that he has any will at all or that he wants to ban X rated movies, and the proposals of the Government make that clear.

I do not know how many read that *Advertiser* report written by Bunty Parsons and read just what is involved and what will be allowed in terms of these movies. If they read that they would have very grave cause for concern. I do not want to repeat what the member for Mount Gambier said, but the Attorney-General was pinned down in his remarks in the Council to just what would be explicitly available for home showing in this all-pervasive, intrusive medium of television via video. I repeat it, because I do not think that the public realises just what would is involved. He said:

> Obviously some fetishes would be allowed. The effect of the ER category is to allow fellatio, cunnilingus, foreign objects in genital or anal orifices . .

How normal is that? He further said:

> . . . anal intercourse, ejaculations and fetishism in a consenting situation . . .

Here is this consenting nonsense again. They are being paid for it; of course they will look as though they are consenting. He further said:

> . . . involving adults, but not in a situation where there is any suggestion of coercion or violence.

Of course they will not show that. That is not the point; that is not what it is made for. They are being paid to make the stuff and of course they will look as though they are consenting. It is an absurd argument!

So, if the public know that is what it is all about and that that material will be freely available throughout the community of South Australia and in many households, they have considerable cause for concern. I conclude by saying that the Attorney-General has been particularly and pathetically weak. He obviously does not want to ban this stuff. I am surprised that he has been successful in conning some of his Labor counterparts who had banned this material but who are now letting 95 per cent of it back into the community.

I have been particularly surprised by Mr Burke, the Premier of Western Australia. He has been particularly successful. At last the bishops are waking up to what it is all about. They have not seemed to be able to enunciate a clear position up to this time. Everything that I have seen has been equivocal because they have not known what it is all about. In the latest edition, as the member for Mount Gambier pointed out, at least the Bishops are awake up to what is being thrust on the Australian public. This is what they say:

> The unseemly haste in which Governments appear to be moving to legalise such material after earlier expressions of concern brands the whole exercise as a piece of political cynicism.

That sums up the situation magnificently. They further state:

> We support a total ban on the importation, production, possession or distribution of 'X' rated programmes.

That is where Brian Burke was and it is the position from which he has retreated 95 per cent of the way under the leadership of the South Australian Attorney-General (Hon. C.J. Sumner). If we are going to give expression to this wonderful shining principle of the Labor Party of the 1970s—that adults should see and read whatever they want to—I believe the material should be available only in adult cinemas. I do not know that it is neccessary; if it is, it would not worry me much. If this is going to be a way of giving expression to this wonderful principle of people seeing what they want to see, let us put it somewhere where the kids will not be able to see it: let us put it in adult cinemas where people cannot get in unless they are 18 years or over. That will give expression to this wonderful principle that the Attorney-General hangs on to, although he has modified it significantly in regard to some acts, starting with child pornography. If it becomes available throughout the whole

of the community, as it inevitably will in people's homes, then children will have access to it.

Finally, I am convinced that the people of my district would believe I had let them down if I did not express my strong opposition to this situation on their behalf. My own views I have expressed. I am disgusted with the Attorney-General. I am not surprised—I am disgusted. I am surprised at the attitude of some of the other States, but I am certainly expressing the view of the people of the District of Kavel in putting this point of view, because there has been an enormous amount of material and letters that have come to me from people concerned about the way we are moving in this day and age and the influences which are becoming all pervasive and which the rising generation cannot escape.

If I do nothing else in this place, I put their point of view. Fortunately, my own view on these social issues, as they are called, happily coincides with the majority of my electorate, I believe, so I have never been in that invidious position of having to get up to put a point of view that was foreign to me. Labor Party members are not in that happy position: a view is adopted by the Labor Caucus and if they dare to break ranks they will be frog-marched out of the Party and the Parliament.

Fortunately, we are not in that situation and we have a measure of freedom in the Liberal Party. The only people we answer to are the people who elect us, and they are the constituents in our individual electorates. I am certain that in expressing this view I am reflecting their point of view. I hope that the Labor Party in this place is not successful in its attempt to give effect to the con job that the Attorney-General in this State is seeking to visit on the public at large by introducing this new ER category or hard core pornography under the guise of ER into the homes of South Australia. I hope that the Government is not successful and when this Bill leaves this place I hope that the wisdom that has obviously been shown by a majority elsewhere will prevail.

Mr MEIER (Goyder): I am pleased to have an opportunity to comment on the Bill. I have positive feelings that this Bill has come to us in a reasonable state, certainly a much better state than it was in when presented in the other place. However, there are still areas of the Bill that are of concern to me, including the fact that the R category for videos may contain more than we would like in our society. Let us look at some statistics on what people's attitudes are to sex oriented video movies. In a poll taken on Wednesday 10 October 1984 it is reported that 77 per cent of Australians want more restrictions on pornographic and violent video movies. The same poll shows that 91 per cent of people are concerned about the possible harmful effect on children of pornographic and violent video movies.

I can accept that any poll can be slightly out—the Hawke Government learned that recently when its poll was out. However, when one sees a poll showing that 91 per cent of people in Australia are concerned about the harmful effects of video movies and 77 per cent want tighter restrictions on them, even if one adds plus or minus 5 per cent or 10 per cent one is still looking at a huge majority of the people in Australia. One has to keep that in mind when considering this legislation. I seek leave to have these Gallup Poll figures, which are purely statistical, inserted in *Hansard* without my reading them.

Leave granted.

GALLUP POLL

	All People Per Cent	Men Per Cent	Women Per Cent	Age Groups 16-39 Per Cent	Voters 40+ Per Cent	ALP Per Cent	L-NP Per Cent	AD Per Cent
Possible harmful effects on children.								
Concerned	91	88	93	88	94	89	93	91
Not concerned	8	11	6	11	5	10	6	7
Don't know	1	1	1	1	1	1	1	2
Amount of restriction in Australia.								
There should be more restriction	77	71	83	68	87	76	80	71
There should be less restriction	3	3	2	4	1	3	2	1
Present amount of restriction about right	18	23	13	26	10	19	17	23
Don't know	2	3	2	2	2	2	1	5

	All People Per Cent	NSW Per Cent	Vic Per Cent	Qld. Per Cent	SA Per Cent	WA Per Cent	Tas Per Cent	Metro. Per Cent	Coun. Per Cent
Possible harmful effects on children									
Concerned	91	91	91	89	93	88	91	90	92
Not Concerned	8	8	7	10	6	12	8	9	7
Don't know	1	1	2	1	1	—	1	1	1
Amount of restriction in Australia.									
There should be more restriction	77	81	77	76	80	62	81	75	81
There should be less restriction	3	3	2	4	2	4	2	3	2
Present amount of restriction about right	18	15	18	18	14	32	16	20	15
Don't know	2	1	3	2	4	2	1	2	2

Mr MEIER: If one looks at these figures one can see the breakdown of the number of concerned people into political Parties. It shows that 89 per cent of ALP voters are concerned about the possible harmful effects of video movies on children; 91 per cent of Australian Democrats are concerned; 93 per cent of Liberal-National Party voters are similarly concerned. Therefore, the figure for all Parties is within the range 89 to 93 per cent of people who are concerned about the harmful effect of video films.

If one looks at the State figures they show that concern about the possible harmful effect of video movies is lead by the South Australian figure, which is 93 per cent of people. One finds that the figures for the other States are: New South Wales, 91 per cent; Victoria, 91 per cent; Western

Australia, 88 per cent; Tasmania, 91 per cent; and, Queensland, 89 per cent. Again, the figures are high in each State. Surely members of the Parliament should take note of these figures and appreciate that the people we represent want us to do the right thing. One asks, 'In what respect?' The answer is, 'In protecting the citizens of our society, particularly the younger citizens, our children.' I hope to have time to look more closely at the second reading explanation later. It might be argued that there are sufficient restrictions here so that children will not be harmed. However, in an article dated 5 April 1984 in the *Australian* one sees that thousands of Australian children are routinely watching X rated sex and violence horror films in place of afternoon cartoon shows. Mr Roland Cantley, Director of the Australian Childrens Television School, says that over 60 per cent of children over the age of 10 surveyed in Sydney admitted to regularly watching X and R rated video movies after school. So much for saying that we will have conditions that will restrict viewing for children. One cannot do it, and these facts prove it. The article states:

Although only 25 per cent of homes have video cassette machines, Mr Cantley said the children gather at one house and watch the films. He said they were generally 'latch-key children' who lacked responsible adult supervision between school hours and 6 p.m., which accounts for 40 per cent of Sydney homes.

With the modern composition of our workforce, which invariably means that both parents of the family are out working, the situation will not get better, but will probably get worse. The number of children who have the opportunity to watch R rated or other categories of video film will increase. We see further examples of children watching videos. The *Sunday Mail* of 16 September states:

Primary school children are seeing pornographic videos containing scenes of explicit sex and violence. President of the Primary Principals Association, Mr A. Talbot, said yesterday he had no doubt children this age were gaining access to videos, either through their friends or from around the home. He called on the State Government to ban completely videos showing explicit acts of sexual intercourse or violence.

This means the R category as well as the ER category, which I will come to later. The article continues:

Mr Talbot was supported by the President of the High School Principals Association, Mr I.J. Laslett.

Very interestingly, we find the President of the South Australian Institute of Teachers, Mr R.W. Jackson, quoted as saying—

—his union had urged parents to responsibly oversee their children's viewing habits. 'The vast majority of X-rated films deal with exploitation and violence and we don't want children exposed to that.'

So, the President of the South Australian Institute of Teachers is obviously against the ER category because it includes 95 per cent of the old X rated category videos to be available.

The Hon. E.R. Goldsworthy: He is a member of the Labor Party, too.

Mr MEIER: We will not hold that against him.

The Hon. E.R. Goldsworthy interjecting:

Mr MEIER: It is obvious that Mr Jackson is very much against what the Government is proposing in the amendments, which will destroy a relatively good Bill. I compliment Mr Jackson on his stand: it is very pleasing to see. We understand that the Institute of Teachers realises that children cannot be subjected to the harmful effects of R or X rated videos. Numerous letters have come in over the past 12 months to two years, and I will refer to one or two concerning the child aspect. In the *Advertiser* of 3 August 1983 Barbara Biggins, Vice President of the South Australia Council for Children's Films and Television Inc, states:

There is no way, however, once that material has left its restricted sale/hire outlet that some of it will not fall into the hands of children.

How right she is. Other writers, Alan and Lyn Barron of Modbury North, amongst other things, state:

The view that there ought to be freedom of choice while at the same time protecting the rights of children seems to us to be unworkable . . . supposing that both parents are out, what is stopping the youngsters from viewing R and X rated material? To see such films at the theatre one has to be 18, but one cannot police this requirement at home.

The letter continues with quite a few more points. Mrs F. Driver of Stirling states:

A civilised society must have laws which benefit the community as a whole and this inevitably brings some restrictions.

We are aware of so many other restrictive laws that we must abide by, including the wearing of seat belts and speed restrictions. However, it seems when it comes to the abuse of human bodies and exposing people to what can take place, this Government does not care less. What is the basic history of the Bill? It goes back to last year when we had a very different classification Bill before us, one that did not impose a specific classification system. It was interesting to be involved in the debate and read various articles in the press at that time. An article which appeared in the *News* at that time states:

The Liberals and the Democrats have moved to toughen the regulations on video material seeking compulsory classification of all productions.

Mr Sumner said today this would lead to a situation where inn-ocuous titles such as 'Home gardening' would have to be classified . . .At this stage I cannot accept the system of compulsory classification because of a national agreement accepted by all States with the exception of Queensland.

Most of us would remember that the Attorney-General was very upset that we were trying to force a compulsory system on him and his Government. The Attorney-General appeared on television saying that the Opposition was trying to ruin the whole thing. However, we had enough foresight to realise that unless we had compulsory classification there was no hope of controlling pornography. Some months later, on 7 April 1984, an article appeared in the *Advertiser*, as follows:

The South Australian Attorney-General, Mr Sumner, last night claimed the agreement was a 'major breakthrough'.

He was referring to the current proposals in the original Bill. Mr Sumner continued:

He said most States had been prepared to accept South Australia's proposals for a tightening of the present voluntary system.

The Attorney-General had the hide to take credit for that after condemning the Opposition some months earlier for trying to bring in a compulsory system. When the Attorney had managed to convince others, he took all the credit. Can we view that as hypocritical? I do not think it would be too difficult to argue that way. Whatever the case, I compliment the Attorney for at least seeing the sense in the compulsory classification argument.

We must remember in later arguments on ER classification that at the time we held out and said that it does not matter what the rest of Australia wants we in South Australia want to make sure that we have the best law in relation to video pornography. Unless we continue to hold to that view we are only going to lose. I refer to an article in the *News* of 12 October this year, under the headline 'X-rated videos may remain in South Australia', as follows:

The Attorney-General, Mr Sumner, has given a strong hint he may recommend against a total ban on X rated videos in South Australia—

that was before he made the last announcement—

Mr Sumner also admitted he was 'utterly indifferent' to X-rated videos of any kind.... 'Are we going to say that R category videos should be banned as well?'

My answer is, 'Yes'. That is the history behind this Bill. What is happening elsewhere? Time does not permit me to explore what is happening on a world wide basis. However, the country we invariably seem to follow is America. America

seems to be learning its lesson from unfortunate consequences. An article headed 'The porn battle hotting up' in a *Sunday Magazine* article on 9 September this year states:

New York: From sleazy sex shops in downtown alleys to adult bookstores in suburban malls, pornography in America is a boom trace—despite new onslaughts to wipe out the makers and the dealers of the smut and debauchery. But the anti-porn struggle is starting to rage on a different front. In communities across the country legislators are proposing far tougher laws to ban books, magazines and movies....Feminists have joined forces with political and religious conservatives—

with whom they disagree on just about every other issue. There are many other aspects covered in that at article. There is a saying that we are always 10 years behind America. For once let us take the lead: America has learnt from its mistakes. It realises that it should not have allowed the freedom it has and it is trying to correct it now. The movement is gaining a foothold across America.

It is time we here in South Australia led the way and made sure that our younger generation is not exposed to the many things that will still be in the R and certainly ER categories.

I have received many letters in relation to this matter. However, because of the hour I will not read them. It is unfortunate that we have to debate this matter at 12.17 a.m. when there are many other contentious Bills around, and obviously it causes strain on people and allows the Government to bulldoze things through much more easily than if we had more time to debate it. Those letters all express concern about the current inadequacies in the legislation regarding X rated videos. I put on record some of the names of the people who have sent this correspondence to me: Mrs D. Tscharke, of Balaklava; Mrs E. Marie Marsson, of Watervale; Mr and Mrs V.J. Voigt, of Stansbury; Reverend Peter and Mrs Welke, of Yorke Town; Mrs Rita Schubert, of Balaklava; Mrs Shirley Rohrlach, of Balaklava; Mr Clarrie Ottens, of Snowtown; Mr and Mrs Rex Toop, of Maitland; Mrs B.G. Bittner, of Minlaton; Mrs Joan McKenzie, of Minlaton; and Mr and Mrs Trevor Wundke, of Brinkworth.

So, one sees that it is widespread across my district. People are concerned about the inadequacies in the protection we have in our legislation for video porn. We have seen people take action. Not so long ago some women were concerned enough to take specific action at a book shop. I read from a little article in the *Advertiser* of 13 August this year. Headed:

'10 protesters locked in bookshop', the report states:

Ten women were locked inside a Salisbury adult bookshop during a protest against pornography on Saturday...A spokeswomen for the group, Ms Jenny Couch, said the action was intended to 'highlight the connection between rape and pornography'. She said the police had been 'very good about the whole thing.'

One of the women who was there (Kate Morgan) wrote a letter to the Editor entitled 'Appalled by shop pornography', which reads:

I was one of the women who stormed the Salisbury 'Adult Book Shop' recently ..... I was appalled by what I saw inside this shop. Not simply harmless trash or garbage as many people might imagine, but vast arrays of books, magazines and videos depicting women as submissive and powerless under men, and as objects for their abuse and pleasure...it fuels sexual violence towards women and children.

I could cite many other references that show that women are the victims in most cases of the explicit scenes that are portrayed in this video porn. It is really amazing to me to have had to sit in on a conference for most of today to try to sort out problems in the Anti Discrimination Bill—a Bill which tries to overcome discrimination and protect the rights of women—to find that on the same day this Parliament is introducing legislation that will degrade women in many respects.

I suppose that I could refer to the other Bill that we were discussing yesterday, namely, the Children's Services Bill, where we heard the Government's lead spokesperson, the Premier, saying that one of the major concerns was the future of children. He did not want a delay in the Bill because of any possible harmful effects on children in the early part of 1985—well spoken. As I have quoted earlier, one of the biggest negative effects of insufficient control of videos will be against children. So, I wish that we could reach some consensus where things that are said in this House to protect women, children or anyone in humanity are at least upheld in various legislation instead of on the one hand saying, 'Yes, we support that,' and the next day bringing in a Bill that will absolutely destroy all the things for which we have been fighting.

In the time that is left to me, I wish to look briefly at the second reading explanation and quote some of the points contained therein. Certainly, it stated at the beginning the following:

. . . an ER category for films depicting sexually explicit activity between consenting adults.

That was supposed to be in the Bill, but of course, that has not come down, thankfully. Unfortunately, we see a paper on our desks indicating that the Government will try to bring back an ER category. This has been well stated by the Deputy Leader of the Opposition (the member for Kavel) and the member for Mount Gambier, both of whom have looked at many of the specific details of the R, X and ER categories. However, I wish to highlight again the ER category.

It is for restricted exhibition in private only, unsuitable for viewing by a minor. Minors can see it if exhibited by a parent or guardian only. It is to be sold or exhibited only in restricted publication areas. It is not to be advertised except in a restricted publication area or by way of material delivered at written request. The last part is quite a joke because the people who want this will buy that type of material that will have advertisements in it.

One notes the words 'unsuitable for viewing by a minor,' yet the earlier evidence that I quoted stated that 60 per cent of 10-year-olds are viewing X and R rated material, which means that if this Parliament passes this Bill we are saying, 'Look, we realise that 60 per cent of children in South Australia will view the ER category, whether we like it or not.' I think this is what this House has to consider: whether we are prepared to let 60 per cent of our children see it, and it could well go higher in the next couple of years with video tape recorders becoming more readily available.

Other aspects in the second reading explanation certainly highlight the various categories. The Bill would make it an offence for any person to exhibit to another person a video tape that has been refused classification. It highlights the fact that 95 per cent of the material in the former X category was concerned with explicit sexual acts between consenting adults and that only a small proportion (5 per cent) of the material contained acts of explicit violence. I have informed members of some of the comments, especially those of the President of the Institute of Teachers (Mr Jackson) on that point.

The second reading explanation then refers to material that is to be refused any classification. I must compliment the Government on the following part:

The Government recognises that certain material is of such a nature that it should be refused classification altogether. Classification will continue to be refused where material depicts child pornography, promotes, incites or encourages terrorism or misuse of drugs or offences against generally accepted standards of morality, decency and propriety to such an extent that it should not be classified.

Here is the crunch. It states:

It will be refused classification where it goes against generally accepted standards of morality, decency and propriety.

Who is the judge of those generally accepted standards? If one looks at the figures that I tabled earlier in this debate, one sees that some 90 per cent of people in Australia are concerned at video pornography, and I believe that they would want to see many of the features in the lower category of films, and certainly anything in any proposed ER category, not being allowed for issue to adults and, by consequence, to 60 per cent of young children.

In conclusion, I refer to the latest issue of *Southern Cross* to which the Deputy Leader also referred and which states:

> The Australian bishops have called for a total ban on X-rated videos. . . . The bishops' statement said they: support a total ban of X-rated videos, and object to legalisation of the proposed ER classification without full public discussion of its significance.

In turn that is reinforced some paragraphs later, as follows:

> The unseemly haste in which Governments appear to be moving to legalise such material after earlier expressions of concern brands the whole exercise as a piece of political cynicism.

I urge on the Government that we are already past the last day of sitting; we were not scheduled to sit on the 7th but we are doing so. It is quite clear that the undue haste is such that the people are not aware of what will be in the ER classification. I hope that the Government will accept the Bill as it came from the Legislative Council and that it will be happy not to see the ER classification go into it until we have had widespread debate and comment.

I am not advocating that the Government keeps the Bill out until February, because the sooner legislation is passed and we have controls the better it will be. However, for us to allow passing of the ER category in this House in the light of the Catholic Bishop's comments and the many other comments I have made would be a let-down for the South Australian community. I think that we as legislators cannot let go of it without examining ourselves very carefully. I urge all members to certainly accept the Bill as it has come to us, even though I have expressed some reservations on it, and I hope that the Government will not continue with its suggested amendments.

The Hon. JENNIFER ADAMSON (Coles): At this second reading stage I support the Bill, which is designed at last to introduce legislation to implement a system of compulsory classification of video tapes. In addressing the Bill, I feel somewhat as if I am in a situation of 'pornography revisited'. When preparing my speech, I wanted to reflect on what I had said when I first spoke on this question in the House of Assembly in November 1977.

My speech on the then amendments to the Classification of Publications Act appears at page 1071 of *Hansard*. It is quite extraordinary to reflect on the parallel situation that now exists. The Government finally and reluctantly has been brought up to the barrier to do something about a system of compulsory classification for videos.

In November 1977 the Government, a Labor Government, was reluctantly being brought up to the barrier to do something about the compulsory classification of printed pornography. The thrust of this Bill when considered in the context of what happened in 1977 makes one realise yet again the pervasive and damaging effect of pornography. It was amazing to read what was said in 1977 about the effects of printed pornography and to realise how much more intense, serious and pervasive the effects of video pornography will be. As my colleagues have already explained, the possibility and the potential of video films having a powerful influence, particularly on children, the ease with which that material can be made available to children, and the ease with which video recorders can be operated by young children should point to all of us the prospect of a very destructive force being unleashed on children in our society.

In 1977, I made the point that it was quite inadequate for the Government to be thinking of a clause that prevented mail ordering when in fact the very sale of pornographic material, in effect, made it available to anyone in South Australia irrespective of whether or not the person had actually sought it and was willing to pay for it. At that time I said that the Bill was completely inadequate in that it lacked any teeth that would give the Board the power to refuse classification, to confiscate and destroy material and to put an end to the profiteering that was going on and expanding at the expense of human dignity. How much more seriously could one address those very same issues in this Bill! The prospect of actually controlling this material has become increasingly difficult because of the delays that have occurred in doing something about it. Goodness knows how much material is circulating in the community which can be reproduced with considerable ease and which can be made available again with considerable ease to children.

The fact that the South Australian Council for Children's Films and Television has expressed a deal of concern about this matter should be taken account of by all members, particularly by Government members in Committee. All members will have received a letter signed by Barbara Biggins, P. Dight and S. Coleman dated 30 November 1984 which acknowledges that the system of control for videos should be further amended in two important areas, first, in the display of R videos, and, secondly, in the availability in the home of ER videos. The Council makes the point that R certificate films are currently restricted to viewing by adults in cinemas primarily because they are considered to be potentially harmful to all persons under the age of 18 years. Films can be given an R certificate for a number of reasons, not only because of violence. These reasons may include the treatment of adult themes, language, nudity and explicit but simulated sexual activity.

A film may be given an R certificate for all or any combination of these aspects and all are considered to be harmful to minors. After all, that is largely why we restrict the freedom of adults on a whole range of matters—for the protection of children. It is no use going in in a half-hearted manner, because half or inadequate protection is almost worse than no protection at all. It creates false security for those who are concerned about children's wellbeing and yet it lets through a lot of damaging material that completely denies the purpose of the legislation. The proposed home video legislation permits the private distribution of potentially harmful material. That was provided in the Bill before it was amended in the other place. The Bill, before it was amended in the Legislative Council, provided for an ER category involving more explicit sexual material than is permitted to be screened to adults in public cinemas. To the Council and certainly to me that is a bad principle. It was stated:

> If it is considered harmful to show R material to those under 18 years in a cinema why should Parliament be encouraging a more liberal system for home viewing? Whatever the Attorney-General says, under the new system—

this was prior to the amendments being made in the Upper House—

> many young children will undoubtedly view this material, with or without parental consent.

What is the material? A study of the guidelines for classification of video tapes and discs for sale or hire would fill one with horror if one had any concern at all for the vulnerability of children. I will not go through the details (and, in fact, some of the detail has already been read into the record), but what concerns me is what I suppose I can only describe as being a lack of common sense in the whole bureaucratic and legalistic approach to this matter. For example, for category R, that is, material restricted to persons

18 years and over, reference is made to 'adult material likely to be harmful to those under 18 years and offensive to some sections of the adult community; language may be sexually explicit and/or assaultive; sex may be implied, obscured or simulated depictions of sexual activities; depictions of sexual violence only to the extent that they are discreet, not gratuitous and not exploitative.' There are other guidelines for both violence and drug abuse. How on earth can you have discreet sexual violence? Next the Government will be telling us that there can be a slight case of rape. The manner in which the words are used without regard to their real meaning, common sense, feeling, dignity, or any sense of moral values in the preparation of these guidelines is just too ridiculous.

Mr Lewis: Soon it will be reasonable murder!

The Hon. JENNIFER ADAMSON: Yes. The whole thing becomes a legalistic exercise which is designed to screen what I consider to be a most evil element in our community. I ask what is the purpose of the State if it is not to set some kind of standards and to create a framework in which people can feel that children can at least grow up in an environment that has regard to their vulnerability and that permits them to enjoy childhood. How can any child in the 1980s retain the innocence that we have traditionally wished children to enjoy if children are going to be subjected to this kind of material either through the carelessness of adults or through their natural curiosity?

Mr Lewis: Or the greed of those who want to make a profit out of this kind of material.

The Hon. JENNIFER ADAMSON: Indeed. It concerns me very deeply that this material should be circulating at a time when so many children for so great a part of their young lives are now unsupervised. The member for Goyder referred to problems raised with him by constituents and referred to in the press about latchkey children. In other countries, notably in Britain, these problems are recognised and in the British Parliament a bipartisan approach has been adopted in relation to this question of the control of pornography. It has always amazed and disappointed me that the Labor Party in this State holds not a small 'l' liberal view of censorship but what I would call a libertarian view and the constantly repeated phrase that adults must have the freedom to see or hear what they choose is rarely balanced by an appropriate recognition of the need for the protection of children.

It saddens me that, after seven years, the situation has not improved despite legislation—it has become worse. The video question is quite horrifying. I was horrified in the late 1970s to look at the printed pornography. The prospect of video pornography beggars the imagination. It is dehumanising in the extreme. Unless the Government wants to reap a bitter harvest in future years as a result of the adverse effects this material would have on children, it must do something to retain in this Bill the amendments which have been placed there in another place and which I hope all members will continue to support when the Bill goes to the Committee stage.

Mr BLACKER (Flinders): I wish to speak briefly to the Bill because we are talking about a subject on which most members have had considerable debate and correspondence from their local communities. Reference should be made to the number of petitions presented to this House by probably every member of Parliament. I am concerned that the debate—one which should be a conscience issue—is being treated by the Government as a matter of Government policy. That concerns me. The issue of pornography is abhorrent to most citizens of the community. To that end I recognise the Government's efforts to try and curb the extremism that seems to be developing within the classification system. We would all like to see X rated movies and video material banned. There is now an argument over what is meant by the proposed classification of ER and whether that material has been produced by people who have consented to the production of such material.

It has been adequately stated tonight, and only stands to reason, that if the price is good enough one can virtually buy anything. Quotations were given from an article that appeared in the press about a woman who admitted that she was formerly a prostitute but gave up the street beat and became an actress in the production of pornographic material because the money was better. That would indicate that, in the production of any ER material, the determination of what can or cannot be seen could easily be 'bought' because there would always be someone willing to act the part if the price or money were good enough.

In a business such as this, obviously the money being offered would be attractive to somebody who is down on their luck and requiring money in order to meet their day to day requirements. In expressing my concern about the Bill, I applaud the concept of the banning of X rated movies. I sincerely question the ER rating, which I do not believe will do anything other than appease a very small section of the community. It has been freely acknowledged that only 5 per cent of the classifications presently under the X rating will be banned or taken out of circulation as a result of the reclassification of the ER rating. I sincerely question whether the Government is serious in trying to do anything about the distribution of pornographic material.

It is not my wish to go on any further than that. What has been said by previous speakers is all that needs to be said. I would be very pleased if members of the Government would state their stand very clearly so that their electorates would know where they stand because I do not believe that their actions so far would be representative of the wishes of their constituencies. I am sure that when I speak in this House and express the concern that I have and share the concern already expressed by other members who have spoken to this debate I am reflecting the views of my constituency, particularly knowing the amount of communication that I have had by way of individual letters or petitions that have been signed.

With that concern I support the Bill thus far, but recognise that it is really totally insufficient in trying to combat the wide distribution of pornographic material that we have seen flourish within the community. Mention has been made about access by children to video machines. Let us face it: those of us who have children, some of very young age, would find that they are quite adept at handling the electronic equipment of today. It is no problem at all for them to get a video, place it in the machine and set it going. It would only require the backs of parents to be turned for a very short time and for them to come back into the room or to return from a quick trip to the corner store and find that the children have either been watching the videos themselves or been entertaining other children in the viewing of this type of material; that should be of the utmost concern to us all. Having expressed my concerns thus far, I share the concerns already expressed by other members and trust that this Bill can be strengthened so as to prevent the proliferation of pornographic material.

Mr LEWIS (Mallee): It would be a good idea for us in contemplating the consequences of the enactment of this legislation to first consider how any of us in society becomes a part of a subculture and of a culture, wherever we live on this earth. Why is it that Chinese people grow up behaving largely like Chinese people? Why is it, for that matter, that Albanian or Hungarian people, Eskimos or Indians grow up

behaving and believing in the values of the adults and other members of the societies into which they are born?

Margaret Mead, a well-known sociologist of recent times, who had regrettably ill-founded, badly researched and inaccurately reported views of the sexuality of the people in the Pacific, nonetheless gave us a valid explanation (if we needed one) of why that is so: why we grow up in Australia being Australians, having peculiar forms of behaviour that are not to be found anywhere else. It is known, for instance, that we eat Vegemite, which we make and which is not consumed by any great number or proportion of the population in any other country bearing any resemblance to us in genetic or even in cultural terms. There are reasons for that. The simple reason is that if we see, eat or do something often enough or see others doing likewise we will accept that as the norm and behave much the same ourselves.

Indeed, the way in which we articulate our Adam's apple in the pronunciation of the words that we use to communicate with each other is very much a cultural trait in no way related to our genetic makeup.

Our origins are very little different from the Caucasians or even Anglo Saxons of England or, for that matter, the people of whom the North American continent is largely comprised at present, yet members would readily acknowledge that there is a considerable difference between the accent with which we speak in this country, even between States (part of the differences in the subculture), and between this country, the UK, the United States and Canada. The language is the same and the words have substantially the same meaning. The manner in which they are pronounced and the way in which sentences are constructed however varies.

That is relevant in the context of this Bill in that, if we provide sufficient opportunity for children to see the sort of behaviour that can be depicted in the kind of video tape that the Government proposes should be permitted in society, they will accept that behaviour as a part of the norm, if not necessarily for themselves, then at least for a significant group within the society in which they live.

The normalising influence of the repetitive impact of an an event, activity or mode of behaviour interiorises that behaviour in the mind of the observer. Another point that needs to be made in regard to the normalising influence of the subculture and culture in which we live is the impact that the same acts have on people of different temperaments. Sexuality has some part to play, since the levels of production of hormones from the endocrine systems and glands in the body vary from individual to individual, and there are substantial differences in the means of each of the sexes, that is, the statistical means (mean: the average norm in general terms—I will not try to explain it any more explicitly for the benefit of members).

The fact remains that there is a mean between the sexes but, within the sexes, there is a significant variation in the way in which individual human beings respond to any particular stimulus, whether it is a prick or a noise, whether it is a sensory perception of pain or sound (sound is not much different from pain in the way I analyse it). There are differences in the responses to a substance of homogeneous type having the same chemical composition, that is, the sense of taste.

We all vary in the way we respond in these cases just as we will vary within our population in the way in which we each respond to the sort of stimulus we get when we see pornography. The worst kind of pornography is that kind which depicts human beings in what are seen to be opulent, acceptable, even pleasant attractive surroundings participating in sexual activities that are not to be encouraged as the norm of behaviour.

The general public would be horrified if they found members of Parliament copulating with each other in this Chamber. Notwithstanding the guffaws I hear from the other side of the Chamber, it is quite reasonable and legitimate to state that within two generations, if the kind of pornography to which this Government wants us, our children and their children to be subjected is allowed, we might become somthing like the Roman empire was in its last decades when that sort of behaviour was quite acceptable, indeed, applauded publicly as an exhibition of the worthiness of a citizen in the entertainment of his guests.

That is the normalising influence that such bestial and gross kinds of activities can have on an individual's mind, a child's mind and the minds of subsequent generations and, also, on their behaviour. For any member opposite to say that there is no such impact on the minds of any of the minority groups that go to make up the 100 per cent of society is ridiculous because those kinds of activities and actions do have differing impacts on each of us. They are normalising our attitude towards such behaviour, given that there is a percentage, however small, of the total population that will ultimately accept that behaviour as normal and expect to be able to behave that way themselves.

By allowing legislation such as this Government wants us to pass in this place we would be perpetrating a crime on the children of today and those yet unborn. I doubt very much whether it would have any greatly adverse effect on any of us, but during the formative years when the normalisation of attitudes and behaviour is taking place it can have devastating consequences. As someone who has had a lot to do with many children in many countries where they have been brutalised by the experiences to which they have been subjected and over which neither they nor their parents had any control, I can speak with some anecdotal authority. I speak with great vehemence and feeling.

I acknowledge the validity of the contributions made so eloquently by the member for Coles, so factually and concisely and so well illustrated by the member for Goyder and so anecdotally, sincerely and succinctly by the member for Kavell. I will not detain the House with a repetition of any of that information. I want to drive home the point that I have made by simply referring to the sort of material that was to be found in the overturned station wagon on Princes Highway not far out of Kingston that had been driven by a fellow called Worrell, who was accompanied by another loon called Miller. Worrell did not have the wit, presence of mind, moral fibre or any understanding of the meaning of morality (as he has said since) to enable him to stop the bestiality of Worrell, who murdered those young girls and buried them at Truro and elsewhere. If members had seen that sort of literature (as I have done), and if they had spoken to the policeman who discovered that unfortunate, sordid situation (as I have), then they would understand.

I use that example because every member of this place knows about it. There are others. Nonetheless, that man was bent by nothing else but the influences in the environment and I suppose was predisposed to be bent possibly from the day he was born. We cannot yet prove that scientifically but can prove it statistically: we cannot prove it for the individual yet can prove it in the general case. There is a significant percentage, however small, of the total population predisposed to be organised into that sort of activity on exposure to this kind of material. If members opposite want their children and grandchildren at risk and encourage the development of that sort of response to the material contained in the Bill, and if they vote for it, it will be on their heads and they will be damned by South Australians tomorrow, next week, next year, for a decade and beyond.

That behaviour will not be forgotten. It is libertine and grossly irresponsible.

Mr MATHWIN (Glenelg): I cannot support this legislation in its present form. I suppose it is fairly reasonable although I would like to see the present form amended. I know that it is to be the tactic of the Government to negate the majority of the amendments put in in the other place and bring it back to the original shocking Bill it was when it was first introduced. If people must see this type of rubbish—hard core porn and the rest of it—then the home is not the place for it if there is any chance for children to get their hands on it and see it. That cannot be legislated against and there is always a very good chance that children will be able to view this shocking material, whether in their own home or another.

If people have to see this material and enjoy it, then so be it. One philosophy is that adults should be, as is often quoted by the Attorney-General, allowed to see and look at what they wish. I suppose that in a way that is quite correct, but it should be in a place where it is specially shown. I regard special movie theatres as the place for this type of material. There is no guarantee that this material will not get into the hands of the younger generation. That is of paramount importance. If adults wants to see this type of thing and get a kick out of it, if it turns them on or whatever they do it for, so be it. But, the place for that, I believe, is a special theatre specifically for that purpose so that people who visit the theatre will know the type of material they will see. The Attorney-General made quite a bit of play during the second reading explanation in relation to the special class. He goes on to describe the great problems they have had, the great conferences they had and the great consensus, which is the new 'in' word of the Labor Government.

It appears that consensus has been reached to a certain extent by a majority of States. The great revelation from the Minister is that they have formed what he would have us believe is a safer class of distinction of classified material, that is, the ER category. The second reading explanation of the Bill states:

> 'ER' class (Extra Restrictions) proposed in the Bill was to be a class containing material which included specific depictions of sexual acts involving adults but excluded any depiction suggesting lack of consent or coercion of any kind.

That is a ridiculous statement as far as I am concerned. The phrase 'lack of any consent' is just gobbledegook and rubbish. It is absolute rubbish, yet it was drafted by a person with legal training and a legal background. One must have intelligence and intellect to practice law and, therefore, the Attorney could be regarded as more intelligent than most people. For him to suggest that that phrase will make any difference is absolutely ridiculous. The explanation continues:

> Conditions applying to classification of 'R' videos would prevent their sale, or hire and delivery to a minor, and the distribution to a minor.

That is not true, and we all know that. I am amazed that it is only members on this side who acknowledge that. It worries me that members of the Government do not realise that these films can be viewed by minors, and they will see them through fair means or foul.

Surely the Government is not in such a bad state that it does not realise that young people will get hold of this material one way or another. The ER classification is defined as:

> For restricted exhibition—in private only.

With due respect, I suggest that 'in private only' must be a building expressly for the exhibition of these films and not in a household. The definition continues:

> Unsuitable for viewing by a minor (minors can see if it is exhibited by a parent or guardian only). To be sold or exhibited only in restricted publications areas; to be delivered only to adults making a direct request; to be delivered only in plain paper wrapping. Not to be advertised except in a restricted publications area or by way of material delivered at written request.

As if that will make any difference if a child finds an ER video lying around the house. That definition is just rubbish and does not really mean a thing. In fact, it may be an explanation of what the Government hopes we will read into it. However, it cannot be regarded as realistic by any means. Much has been said about this Bill. I register my objection to the Bill and bring to the attention of the House a matter that has already been raised by many members.

I refer to an article in the *Southern Cross* of 6 December, which reports on a meeting of the Australian Catholic bishops, as follows:

> The Australian bishops have called for a total ban on X-rated videos. The bishops, who met in Sydney last week, issued a statement on objectionable videos on Friday. At their last meeting, in May, the bishops had called on Government to prohibit all highly objectionable video tapes. In last week's statement they said proposed legislation would allow 95 per cent of banned material to be reclassified as legal. The bishops' statement said they—

and this was all the bishops—

> support a total ban of X-rated videos. Object to legislation of the proposed 'ER' classification without full public discussion of its significant. Reject present censorship guidelines as too submissive.

The report continues:

> Most State Governments have expressed concern about the need to protect children and other vulnerable groups and individuals, and have moved to ban the sale and hire of X-rated videos... The Federal Attorney-General's proposal is that there be uniform legislation. A new ER certificate would allow 95 per cent of the banned material to be reclassified as legal.

That is not from ordinary people: those people have considered the matter thoroughly and with great feeling. They know what they are talking about. Some honourable members may think that I do not, but surely they would take the word of the bishops of Australia. The article continues:

> In effect, it would legalise the viewing of much hard-core pornography, excessive violence and drug abuse.

To me, that is sufficient proof that we cannot support that sort of thing. I would be more than disappointed in Government members if they continued to support it. The bishops also state:

> We support a total ban on the importation, production, possession or distribution of X-rated programmes. We reject the present censorship guidelines for all classifications as being too permissive.

In part, that is what the bishops of Australia have said about this matter. Earlier, the Deputy Leader mentioned some matters in relation to clause 9, which deals with offences, liability to fines, and so on. Subclause (3) provides:

> A person who sells, displays or delivers on sale a film that has not been classified under this Act shall be guilty of an offence and liable to a penalty not exceeding $10 000 or imprisonment for three months.

That is not both but 'or'. To people who deal in this area, that is just chickenfeed: it is nothing. This is a multi-million dollar business, and to provide a penalty not exceeding $10 000 or imprisonment for six months is nothing to them. Subclause (4) provides:

> A person who sells, displays or delivers on sale a publication that has been classified under this Act shall, if the publication, or any package, containers, wrapping or casing in which the publication is sold, displayed or delivered on sale does not comply with the regulations relating to the marking of such publication, package, container, wrapping or casing, be guilty of an offence and liable to a penalty not exceeding $2 000.

This is just rubbish! For people involved in this type of trading or area of business, if one can call it business, $2 000, $10 000, $20 000 or $500 000 is nothing. They can afford to spend millions of dollars to get someone off a

charge or to try to do something in the courts in that way. Millions of dollars do not mean a thing to them.

So, certainly, under the legislation that is proposed the matter of $10 000 or $2 000 is mere chicken feed. I reiterate that I do not support this legislation; in no way can I face up to the fact of supporting it. I could support this Bill, with some amendments in relation to where people are able to display this rubbish, but, if that is not altered, I cannot support the measure in its present state. However, in no way in the world will I support the Bill in the way in which this Government presented it in the other House.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I will be fairly brief in this debate. Let me make my position quite clear. I object to all forms of pornography: it is not my style and I want no part of it. However, I would like to make one point: we have heard a succession of speakers criticising this Government and the Labor Party for the Bill that is before us tonight. We have been given facts and figures, and results of polls that have been taken which show that 60 per cent of children under 10 years of age are able to view video porn movies when they come home from school, and we have heard that 98 per cent of the population say that they are concerned about pornography. We have heard all those kinds of speeches, in effect stating that, because no-one has stood up from this side, we support the kind of filth that is being sold in the shops.

However, let us make one point very clear: during the three years that the members who have been speaking up so strongly against pornography were in Government, and when they had control of this House and the other House, they did damn all about pornography. When the Hon. Mr Griffin was Attorney-General he sat on a report that recommended some of the things that are in this Bill and did nothing about it. Where was the member for Glenelg in the Liberal Party Caucus room? What was he saying to his Attorney about putting forward legislation to ban pornography? They were doing nothing and they are all hypocrites!

I object to the kind of filth that is sold in video shops, but at least this Government is doing something about it. However, that lot opposite has merely stood up tonight and again lectured us, saying they are the moral conscience of this State. They are merely damned hypocrites, because they had the time to do something about it and they did nothing at all. That is why I will support this Bill and the amendment that the Minister of Community Welfare will place before this House.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I thank all honourable members who have participated in this debate. Obviously, this matter raises considerable interest in the minds of a number of members. The Government intends to move a series of amendments to this measure. Those amendments will place the Bill in this House in the position that it was when it entered the other place. The design of this legislation, which is the product now of a series of Ministers' meetings throughout Australia, is a most serious attempt indeed to come to grips with this problem which is causing undoubted concern amongst a wide cross-section of the community.

The record of this Government with respect to pornography is in the forefront of Governments in this country. We have the best legislation and the most efficient and effective legislation in Australia to deal with child pornography. We have been in the forefront of States to legislate now in this area of video pornography, and this is a further step in the diligent approach that this Government is taking. I will not go into further details of this because of the time and the fullness of the debate that has taken place on this matter, particularly in the other place. I thank members and indicate that in Committee I will be moving those amendments.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. G.J. CRAFTER: I move:

Page 1—
After line 18—Insert definition as follows:
'ER' film means a film classified as an 'ER' film by the Board in pursuance of this Act:

Page 2—
Line 4—After '"R"' insert 'or an "ER"'.
After line 20—Insert subclause as follows:
(2a) In this Act a reference to the designation 'ER' in relation to the classification of a film is, if that designation is declared by regulation to be replaced by some other designation, a reference to that other designation.

These amendments insert the relevant reference to the new ER classification which has been the subject of debate during the second reading. The classification of videos in the ER category is the result of discussions between the Commonwealth and State Ministers. This is the system that the Commonwealth wishes to adopt, and in Western Australia it is the subject of Government discussion and has considerable support in that State. The Northern Territory has also indicated its support. It is also a matter of discussion by some other States.

The Hon. H. ALLISON: My colleagues and I, particularly the members for Kavel, Coles, Goyder, Glenelg and Mallee, have spoken quite forcibly against the reinstatement of ER films, and that is precisely the purpose of the amendments before us, with the exception of two or three to follow which will change the penalties in the Classification of Publications Act.

I do not propose to canvass the whole range of reasons why we oppose ER films and why we are violently opposed to the ready availability of such material to our youngsters. We will oppose all of these amendments. I do not intend to speak to the other amendments as they are moved. I am sure that this will be another conference Bill.

Amendments carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Classification of publications.'

The Hon. G.J. CRAFTER: I move:

Page 3,—
Line 5—Leave out paragraph *(d)* and insert paragraph as follows:
(d) in the case of a film—
(i) as an 'R' film;
or
(ii) as an 'ER' film.
After line 5—Insert subclause as follows:
(1a) Notwithstanding the provisions of subsection (1), until the prescribed day, where the Board decides that a film is a film of the kind referred to in subsection (1) *(a)* or *(b)*, the Board shall refrain from classifying the film unless satisfied that it is suitable for classification as an 'R' film.
Lines 27 to 42 and page 4, lines 1 to 9—Leave out paragraphs *(b)* and *(c)*.

This is a definitional matter relating to the classification of R and ER material.

Amendments carried; clause as amended passed.

Clause 6—'Repeal of s.14 and substitution of new ss.14 and 14a.'

The Hon. G.J. CRAFTER: I move:

Page 5—
Lines 9 and 10—Leave out paragraph *(b)*.
Line 16—After 'publication' insert 'and every "ER" film'.
Line 17—After 'publication' insert 'or film'.
Line 20—After 'publication' insert 'or film'.
Line 26—After 'publication' insert 'or film'.
Line 28—After 'publication' insert 'or film'.

Line 29—After 'publication' insert 'or film'.
Line 32—After 'publication' insert 'or film'.
Line 35—After 'publication' insert 'or "ER" film'.

Once the ER category is established, the Government will want to ensure that these restrictions apply to these classifications also.

Amendments carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—'Offences.'

The Hon. G.J. CRAFTER: I move:

Page 6—
Lines 17 and 18—Leave out 'ten thousand dollars or imprisonment for six months' and insert 'five thousand dollars or imprisonment for three months'.
Lines 19 to 26—Leave out subclause (3a).
Lines 39 to 44—Leave out subclause (4aa).
Page 7
Line 6—Leave out 'or'.
After line 8—Insert:
or
(c) before the prescribed day, by means of any process copies the whole or any part of a film that is classified under a corresponding law otherwise than as a 'G' film, a 'PG' film, an 'M' film or an 'R' film.
Line 10—Leave out 'ten thousand dollars or imprisonment for six' and insert 'five thousand dollars or imprisonment for three'.
After line 14—Insert definition as follows:
'the prescribed day' means the day prescribed for the purposes of section 13 (1a):.
Lines 32 to 35—Leave out all words in these lines.
Lines 39—After 'subsection (8)' insert', or a film of the kind referred to in subsection (7) *(c)*,'.

These amendments relating to penalties are consequential on prior amendments.

Amendments carried; clause as amended passed.

Remaining clauses (10 and 11) and title passed.

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

That this Bill be now read a third time.

The Hon. E.R. GOLDSWORTHY (Kavel): The Bill has come out of Committee in a quite unsatisfactory condition. All the undesirable aspects have been reinstated. Hard core pornographic material will be freely available.

The Hon. G.J. Crafter interjecting:

The Hon. E.R. GOLDSWORTHY: The Minister was not here when I quoted the *Oxford Dictionary* definition. That is the best glossary of the English language available to us. There is no doubt that the Bill as it comes out of Committee provides for hard core pornography in the guise of erotica, which will be freely available. I will not repeat what I said in the second reading debate, but I draw the Minister's attention to the view of the Bishops of the Catholic church on this Bill and what should happen to it. I also draw his attention to the description of the material in the speech made by the Attorney-General in another place. If the Minister comes up with a conclusion other than that we are talking about pornography, he is far less intelligent than even I gave him credit for.

The Hon. H. Allison: Pornography means depictions of the flesh, doesn't it?

The Hon. E.R. GOLDSWORTHY: Well, I could read the definition again.

The Hon. G.J. Crafter interjecting:

The Hon. E.R. GOLDSWORTHY: The Minister does not believe that this is pornography, that the Bill refers to the material which is now to be available.

The SPEAKER: Order! The honourable member must come back to the debate.

The Hon. E.R. GOLDSWORTHY: What the Minister is now suggesting defies credibility. If the Minister is falling for the ploy that we are talking about a new class of erotica and not what has always been known as hard core pornography, he is kidding himself. I do not believe that he is that dumb.

All these provisions have been put back into the Bill to enable this material to be made available throughout South Australia through that intrusive and pervasive medium, the video and television in the home. For that reason the Opposition will not have a bar of the Bill. A most important aspect concerns reinstitution of the penalties. The Labor Party has been going light on this question all the way through. It has taken Labor Party members a long time to get to the barrier, and now that they are there they have not gone anywhere. A billion dollar trade in hard core pornography exists around the world: they are a party to it and now they want medium penalties. That is the way that the Bill has come out, and the Opposition will not have a bar of it. We oppose the third reading.

The Hon. JENNIFER ADAMSON (Coles): I endorse what my colleague the Deputy Leader has said. In no circumstances should the ER category be allowed into the home hire system. It is significant that that is also the belief of the South Australian Council for Children's Films and Television. Those people, for the sheer commitment to quality viewing for children, have banded together in a voluntary fashion, and in my view their opinions are to be respected. I also believe that the opinion of that council reflects the general opinion of the community. I think it is a negligent Government that flies in the face of community opinion.

I feel worried, almost to the point of being distraught, at the prospect that is before us, and at the vision that I have of children sitting around their television sets watching the kind of material that has been described during the course of the debate in this House. I think it is horrific that members opposite can sit there and vote for this kind of legislation. It is an absolute denial of responsibility, and I cannot for one minute support the Bill. I oppose the third reading.

Mr LEWIS (Mallee): How many more Worrells does the Labor Party in Government want to produce? How many more murders of that kind do they want on their conscience before they will wake up? Why can not the Government understand that there are adverse consequences for society through that very small proportion who will be so disturbed by this kind of material that they will commit that kind of crime, where they would never otherwise have done so? Is one not sufficient? Does one need 10, or is it 100? That is multiplied by seven and that is the number of murders or bestial acts: it is more than that in terms of the numbers of rapes, and so on. What kind of respect do members of the Government want people to have for their fellow citizens and for sexuality?

That was the common thread of the argument that I put in the second reading debate. Clearly, it has been ignored by the Minister and his colleagues. They do not have any insight, wit, compassion or concern for anything other than their subjective, libertine, hedonistic, personal gratification and that of the witless friends whom they think they are supporting by passing this legislation in this form.

I am distressed to realise that a Minister such as the Minister for Community Welfare, the member for Norwood, can simply ignore that reality and try to pass it off in the interjection he made during the course of the remarks of the member for Kavel and say 'That is your definition', after the member for Kavel clearly indicated what the definition will mean in legal terms. How can that Minister and other members of the Labor Party support such legislation, knowing that by so doing they will have those inevitable

consequences for society? I do not even want to live with them.

The Hon. H. ALLISON (Mount Gambier): At the third reading stage we repeat the comments that have been made frequently by me and my colleagues throughout this debate, namely, that we strenuously oppose the reintroduction of the ER classification into this legislation. We firmly believe that the Attorney-General in another place is simply practising a public deception when he claims he has considerably improved the cataloguing and classification of video material. In fact, he has made available 95 per cent of existing pornographic material under the guise of ER—erotica—instead of under the former X classification. He has done absolutely nothing to improve the educational or moral standards of young people in the community. There are other devices to which he might have had recourse to ensure that some of this material was still available to the relatively small minority of people who would be anxious to obtain access to the type of material to be classified ER.

Although there are some minor improvements to the Bill, as the legislation stands in South Australia and elsewhere in Labor controlled States of Australia, it is very little improved on what we had a year ago. I have to make comment in regard to the criticism addressed to this side of the House by the Minister of Housing and Construction. Amendments were made to the Classification of Publication Act by the former Attorney-General (Hon. K.T. Griffin), but the major emphasis on pornography has arisen over the past two years with the increasing ready availability of that piece of machinery—the electronic video recorder. Two years ago when the Liberal Party lost Government, video recorders were available and had been available since late 1968 when black and white recorders came out.

The increasing availability of video recorders, their increasing cheapness and a rapidly escalating availability of hard-core pornographic material has meant that the threat to the moral welfare of our youngsters has increased at a dramatic rate. If the Minister of Housing and Construction does not realise that over 10 000 video recorders are being sold in Australia per month, and that that has rapidly increased the availability of material to youngsters, then he has missed some important news. Throughout Australia this year the demand for video recorders has lessened, but tens of thousands will still be sold. The plateauing effect means that virtually 80 per cent of Australian homes will have a video recorder by the end of 1985.

That means that the vast majority of children in Australia will be able to view this material if negligent, permissive parents leave the hard core porn lying around. Children themselves will seek out the material, as inquisitive youngsters do. The sooner the material is banned and is no longer available, the better for society.

I am delighted to see that the extensive campaign that was mounted in my own electorate by way of petition, initiated by members of the Roman Catholic Church, is now being echoed at State and Federal levels by the Catholic bishops, who have come out after their recent meeting and publicly decried all Governments who continue to make available such material to the general public. I agree wholeheartedly with the Catholic bishops in saying, 'Ban completely X rated material', which now means the ER rated material, containing as it does 95 per cent of the hard core pornographic material that used to be classifed X. We oppose the legislation.

The House divided on the third reading:

Ayes (20)—Mr Abbott, Mrs Appleby, Messrs Bannon, Max Brown, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Trainer, and Whitten.

Noes (18)—Mrs Adamson, Messrs Allison (teller), P.B. Arnold, Ashenden, Baker, D.C. Brown, Chapman, Eastick, S.G. Evans, Goldsworthy, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Peterson, Slater, and Wright. Noes—Messrs Becker, Blacker, Gunn, and Rodda.

Majority of 2 for the Ayes.

Third reading thus carried.

EQUAL OPPORTUNITY BILL

At 2.48 a.m. the following recommendations of the conference were reported to the House:

As to Amendments Nos 1 to 5:

That the Legislative Council do not further insist on its disagreement to these amendments.

As to Amendment No. 6:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 7:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 8:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendments Nos 9 and 10:

That the House of Assembly do not further insist on these amendments.

As to Amendment No. 11:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 12:

That the House of Assembly do not further insist on this amendment.

As to Amendment Nos 13 and 14:

That the House of Assembly do not insist on these amendments but make in lieu thereof the following additional amendments to the Bill:

Clause 18, page 7—

After line 3 insert new subclause as follows:

(2a) A person is not eligible for appointment as the Presiding Officer unless he is (i) a judge of a court of this State or the Commonwealth; or (ii) a magistrate.

Line 4—Leave out 'the Presiding Officer or'.

Lines 6 and 7—Leave out paragraph *(a)* and insert paragraphs as follows:

(a) a judge of a court of this State or the Commonwealth;

(b) a magistrate;.

Lines 10 and 11—Leave out 'person holding judicial office under the Local and District Criminal Courts Act, 1926,' and insert 'judge or magistrate'.

Lines 25 and 26—Leave out 'hold judicial office under the Local and District Criminal Courts Act, 1926' and insert 'to be a judge or magistrate'.

Line 27—Leave out 'the Presiding Officer or'.

Clause 22, page 9—

Line 10—Leave out 'Senior Judge' and insert 'Presiding Officer'.

Line 13—Leave out 'Senior Judge' and insert 'Presiding Officer' and that the Legislative Council agree thereto.

As to Amendment No. 15:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 16:

That the House of Assembly do not further insist on its amendment but make in lieu thereof the following amendment to the Bill:

Clause 29, page 13—

Line 8—Leave out 'For the purposes' and insert 'Subject to subsection (3a), for the purposes'.

Lines 31 to 37—Leave out all words in these lines.

After line 37 insert subclause as follows:

(3a) Where—

(a) a person discriminates against another on the basis of his appearance or dress;

(b) that appearance or dress is characteristic of, or an expression of, that other person's sexuality; but

(c) the discrimination is reasonable in all the circumstances, the discrimination shall not, for the purposes of Division II be taken to be discrimination on the ground of sexuality.

and that the Legislative Council agree thereto.

As to Amendment No. 17:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendments to the Bill:

Clause 33—

Page 15—

Lines 35 to 42—Leave out subclause (1) and insert the following subclauses:

(1) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person (otherwise than on the ground of sexuality) in determining, or in the course of determining, who should be offered a position as partner in the firm.

(1a) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person on the ground of sexuality in determining, or in the course of determining, who should be offered a position as partner in the firm, unless the firm consists, or is to consist, of less than six members.

(1b) It is unlawful for a firm or a person promoting the formation of a firm to discriminate against a person in the terms or conditions on which that person is offered a position as partner in the firm.

Page 16—

Line 1—Leave out 'consisting of two or more partners'.

and that the Legislative Council agree thereto.

As to Amendment No. 18:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 19:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendment:

Clause 50, page 22—

Line 10—Leave out 'doctrines, beliefs or teachings' and insert 'precepts'.

Lines 13 to 21—Leave out subclause (2) and insert subclause as follows:

(2) Where an educational or other institution is administered in accordance with the precepts of a particular religion, discrimination on the ground of sexuality that arises in the course of the administration of that institution and is founded on the precepts of that religion is not rendered unlawful by this Part.

and that the Legislative Council agree thereto.

As to Amendment Nos 20 to 23:

That the House of Assembly insist on these amendments but make the following additional amendments to the Bill:

Clause 87, page 35—

Line 11—After 'ensure' insert 'as far as practicable'.

After line 16 insert subclause as follows:

(9a) Damages shall not be awarded in respect of a failure to take steps to prevent sexual harassment (being a failure that is unlawful by virtue of subsection (7), (8) or (9)) unless it is established that the person guilty of that failure instructed, authorised, or connived at, the sexual harassment.

and that the Legislative Council agree thereto.

As to Amendment No. 24:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 25:

That the House of Assembly insist on its amendment but make the following additional amendments to the Bill:

Clause 91, page 36—

Line 23—Leave out 'subsection (2)' and insert 'this section'.

After line 25 insert subclause as follows:

(1a) A person is not vicariously liable for an act of sexual harassment committed by an agent or employee unless he instructed,, authorised, or connived at, that act.

and that the Legislative Council agree thereto.

As to Amendment No. 26:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendment:

Clause 24, page 10—

Lines 15 and 16—Leave out 'a person other than a legal practitioner' and insert 'an officer or employee of a registered industrial association or by any other person'.

and that the Legislative Council agree thereto.

As to Amendment No. 27:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendment to the Bill:

Clause 93, page 38—

Lines 1 to 12—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) A complaint must be lodged—

(a) when the alleged contravention is constituted of a series of acts—within six months of the last of those acts;

(b) in any other case—within six months of the date on which the contravention is alleged to have been committed.

and that the Legislative Council agree thereto.

As to Amendment No. 28:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 29:

That the House of Assembly do not further insist on this amendment.

As to Amendment No. 30:

That the House of Assembly do not further insist on this amendment.

As to Amendment No. 31:

That the Legislative Council do not further insist on its disagreement to this amendment.

As to Amendment No. 32:

That the House of Assembly do not further insist on this amendment.

As to Amendment No. 33:

That the House of Assembly do not further insist on this amendment.

As to Amendment No. 34:

That the House of Assembly do not further insist on this amendment but make in lieu thereof the following amendment:

Clause 105, page 42—

Line 28—Leave out 'Senior Judge' and insert 'Presiding Officer of the Tribunal'.

and that the Legislative Council agree thereto.

As to Amendment No. 35:

That the House of Assembly do not further insist on this amendment.

Additional Amendment:

That the House of Assembly make the following further amendment to the Bill:

Clause 89, page 36, Line 16—After 'summary of the' insert 'actuarial or statistical'.

and that the Legislative Council agree thereto.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the recommendations of the conference be agreed to.

The conference was conducted today over many hours and has produced the amendments that have been circulated to honourable members. The amendments will be detailed in another place by the Attorney-General. I refer to some of the results of the conference that have resulted in the Bill about which all honourable members can be pleased. It provides the safeguards that are being sought by the community in this important area.

It does, I think, reflect the wishes of the overwhelming majority of members in both Houses of this Parliament. I will briefly touch on some of the issues. The Government has agreed to make a statement in the other place in respect of details related to superannuation provisions. This matter was the subject of discussion in this place and the other place and although the Legislative Council has not insisted on its amendments in this matter the Attorney-General has detailed what steps the Government will take prior to proclamation of this legislation and also the consultation process that will take place with the interest groups in this area.

The definition of 'detriment', which is also the subject of some debate in this House, remains in the legislation. There was considerable discussion about the status of the Senior Judge of the Local and District Criminal Court and, as a result of those discussions, it has been accepted that the presiding officers of the tribunal will, in fact, be a judicial officer, a person holding judicial office, whether in the Supreme Court, intermediate court or Magistrates Court, but will be a person who does hold judicial office in this State. The Legislative Council did not insist on its amend-

ments to the clause related to the Commissioner furnishing advice.

The term of office for those who will form the tribunal (the members of the tribunal) was determined in accordance with the wishes of the Legislative Council; that is, the first tribunal whose members will be appointed for varying terms. From thereafter there will be a certainty of a three-year term for members of the tribunal. In relation to the matters that were to be taken into consideration on the appointment of members of the tribunal the Legislative Council did not insist on its amendments. Turning to the qualification of the presiding officer, as I have said, that person will be a judicial officer.

Questions were raised in this House in some detail during the debate about partnerships and numbers of persons who shall form partnerships before the legislation applies. There was considerable discussion about this matter and it was determined that a figure of six members in a partnership would apply where discrimination was based on sexuality, but that that will not be insisted upon for all other forms of discrimination. The Council amendments with respect to this matter are outlined in amendment No. 17 where they have been explained in some detail.

Further, changes were made to the definitions in Amendment No. 16 that has been circulated, where sexuality was the ground of discrimination. The word 'manner' was deleted. That amendment was made to that definition to more accurately determine the wishes of the Parliament in that matter. With respect to religion (Amendment No. 19 on the paper circulated) there was some redrafting, whilst applying the spirit of the Commonwealth legislation, to express it in more appropriate language and form.

Concerning amendments Nos 20 to 23, with respect to the rights of employers, there was a rewriting of the defence available for employers with respect to allegations of sexual harassment where damages shall not be awarded in respect to a failure to take steps to prevent sexual harassment, unless it is established that the person guilty of that failure instructed, authorised or connived at the sexual harassment. The definition of 'sexual harassment', which was amended in this House, was no longer insisted on by the Legislative Council. There was a clarification of 'employer's liability'. This was the subject of some debate in this House as well, and I think that there was a degree of confusion amongst honourable members about this area of the law. Hopefully, the question of vicarious liability has been clarified as a result of the amendment.

The rights of audience of persons appearing on behalf of aggrieved persons before the tribunal was discussed at considerable length. Whilst legal practitioners had an absolute right of audience, other persons were subject to a discretion vested in the presiding officer. An amendment was made so that it now reads:

> Other than a legal practitioner, an officer or employee of the registered industrial association, or by any other person having sought leave, can appear before the tribunal.

Limitation of actions, which is amendment No. 27, was also discussed at some length. Honourable members will be aware that an amendment was placed in the Legislative Council in this matter which restricted matters relating to the dismissal to 21 days limitation of an action. That was seen as unfair and has been extended now to a limit of six months. Six months applies to all such actions.

I will explain to honourable members that it was seen that dismissal was a very serious result of harassment and there may be lesser actions taken in the employment situation that would allow for action to be taken in a period of six months, whereas with the very harsh action taken with respect to dismissal, then there was only an option to lodge that complaint in 21 days. So, this matter has now been clarified and the protections and rights are quite fair. The matter of class or representative actions was also the subject of considerable discussion. The House of Assembly did not further insist on pursuing the amendments that had been inserted on that matter.

Further, the Legislative Council did not insist on placing a limit on damages. It was noted that the marked damages in these matters were relatively small, and I think the maximum was about $2 000. the merits of placing some cap on that were discussed and it was decided not to proceed with that course of action. It was also not insisted upon, as a result of amendments in this place, that trade unions would be represented in proceedings as a party thereto.

Further, the Commissioner will now be able to give written advice. That advice will be important in the form of a defence to an action which may flow as a result of that advice being given. There were other consequential and more minor amendments, including one requested by the life insurance industry in this State with respect to actuarial and statistical information. They are briefly the results of the very long conference. I thank all those who participated in the conference. I am sure that the substantial effort that was expended today will result in a most acceptable piece of legislation.

The Hon. JENNIFER ADAMSON: I was not a member of the conference, but I congratulate those who were on reaching agreement on what were two apparently quite divergent viewpoints on matters which I considered to be of high principle in relation to this Bill. I am not so concerned with what I regard as the technical amendments, but I am concerned with the basic philosophical approach to the Bill. For that reason, I am pleased that the definition of 'detriment', which was in the original Bill, is still in the Bill and that the definition of 'sexual harassment' as contained in the original Bill is still there.

I hope and believe that as a result of that the unspeakable degradation to which so many women have been subjected will gradually be overcome. That will be a gradual process. I believe this law will have a very powerful educative effect, particularly in respect of employers' liability to ensure a work place free of sexual harassment. The vicarious liability in the original Bill has been somewhat diminished. Nevertheless, the obligation on the employer is still very strongly expressed in the terms that it is unlawful for an employer to subject an employee, voluntary worker or a person seeking employment or voluntary work to sexual harassment; and it is unlawful for a person to subject another to sexual harassment in the course of offering or supplying goods, offering or performing services or offering or providing accommodation.

Importantly, it is unlawful for an employer to fail to take such steps as may be reasonably necessary to ensure as far as practicable that none of his employees or voluntary workers subject a fellow employee or voluntary worker or a person seeking employment or voluntary work to sexual harassment. I regard those clauses as epoch making provisions. That is a strong phrase, but I believe that the Bill will have a very strong and powerful effect for the good on the South Australian community.

I am pleased that the time limit for action in respect of discrimination has been extended from 21 days to six months. I imagine that the Commissioner and her staff will be disappointed that it is still not 12 months. However, I hope that monitoring of that situation will ensure that in future it is seen to be satisfactory and, if not, that something can be done about it.

I am also pleased that the amendment requiring the Commissioner to serve notice of a complaint has been modified and thus the conciliatory approach which I believe should be the basis for this legislation will be retained insofar as

the Commissioner can provide a summary of a complaint. In my opinion that is far more satisfactory.

I repeat my congratulations to members of the Conference. I particularly pay a tribute to my colleagues the Hon. Trevor Griffin, who handled the Bill in the other place, and the member for Mount Gambier, who with great skill, sincerity and tact has dealt with a situation that has not been easy. I think we all owe the member for Mount Gambier a debt of gratitude for the way in which he has maintained his Party's principles and at the same time been sensitive to the wishes of the community in respect of this legislation. I simply say that this is a happy morning for me and I believe for all women in South Australia and for all men who are concerned about a humane and just society where each individual is accorded his or her full worth and each individual's dignity is fully respected.

Mr S.G. EVANS: My comments will be brief. I believe that we have missed one thing. I hope the Minister will note what I have to say in relation to the area of regulations or communications that he may have with the Commissioner and with those who sit on any tribunal. However, first, I think a great change in the law has occurred—and I mean in terms of size rather than in benefit, because only time will prove whether that is the case. The interpretation of harassment is up to the individual. It is not something that can be clearly defined in law as can theft or whatever. It will be a personal opinion in the initial complaints of harassment by an individual, whether male or female.

It is interesting that the first Commissioner is a female. Who knows, in future there may be harassment of males. I believe that the Minister should take whatever action he can. Something that crossed my mind in recent times is that it should be unlawful to publish the names of individuals involved in an accusation of harassment until someone has been found guilty of that harassment. If not, we may find the one danger in this legislation, that is, someone reporting or making an accusation from spitefulness. That can happen in the workforce. However, that problem could be removed if we made it unlawful to publish the name and place of employment of an accused person until the charge has been proven. I think we have all missed that point. If that had been put in the Bill, it would make it harder for someone to make a complaint through spitefulness. I am happy to wait and see the legislation work in practice and to watch its effect on small businesses particularly. I will also be interested in the direction employers take in trying to avoid too much mixed sex employment, because there may be a risk of selecting staff contrary to clauses of the Bill that talk about discrimination in particular areas of employment.

The Hon. H. ALLISON: After a little over 16 hours since the conference first began, one can understand if people are getting a little impatient this evening. However, I appreciated very much the politeness and well mannered demeanour of the Attorney-General and his colleagues in conducting the conference during this very long day. I believe that when members of the House consider that since the legislation was introduced in another place almost 100 amendments have been moved, some 60 of which were accepted by the Government before the Bill was reintroduced into this House and that during the last few days we have been considering at various levels another 35 of those amendments which were reinstated into the legislation, they will realise that, to accept some 80 or more of those amendments reflects, in part, the Government's good intentions in this legislation: it has been prepared to compromise.

Of the more serious aspects of the legislation which were still left in for conference I will detail a few. We are pleased that the Bill now allows for a judge to have oversight of this very important work that the tribunals will be undertaking, because unlimited liability is involved in these complaints. We believe it is appropriate that a member of the Judiciary should have oversight and should be able to make rules of court when such considerable sums of money may be involved in the future, although we do acknowledge that so far any complaints that have been lodged have met with very small compensation.

Interstate we believe that compensation as high as almost $40 000 has already been awarded. So, that is just the shape of things to come. We believe that a member of the Judiciary is the appropriate person to preside over such important matters. The definition of 'harassment' has been left in, and the Opposition was more ready to compromise on the acceptance of that definition when the Government permitted two defence clauses to be inserted into this legislation—one against the award of damages and the other against the vicarious liability of an employer. The importance of those defence clauses cannot be under-estimated.

As to the time of action allowed, a complaint must be lodged within six months. Two additional periods were under consideration: one was 21 days for the industrial side of the complaint and the other one was a long period of 12 months. In a compromise, the periods of 21 days and 12 months are out and six months, which is relevant to other legislation in South Australia, is now the standard period during which a complaint must be lodged following the last action of discrimination against a person.

The partnership clause now has just one person instead of the six persons stipulated in the amendment before us. One exception is that, when sexuality is a factor, six persons still remains as the number within the clause. The question of dress and manner of a person who might be openly flaunting his or her sexuality to the disadvantage of an employer has now been appropriately addressed within the legislation, the Legislative Council's former amendment having been modified with 'manner' excluded but with 'dress' included. I think a lot of people will be much happier with that provision.

Private schools can gain some satisfaction from the conclusions drawn by the conference, because where an educational or other institution is administered in accordance with the precepts (that is, the religious commands, the 10 Commandments) of a particular religion, discrimination on the ground of sexuality that arises in the course of the administration of the institution and is founded on the precepts of that religion is not rendered unlawful by this part.

Religious schools that are run under religious precepts, but not necessarily by religious orders, may, if they can convince the tribunal that they run under proper religious precepts, exempt themselves from the terms of this legislation. I believe that that is a very positive step made on behalf of a number of schools, including those Catholic schools that are run by parishes rather than by Catholic orders. There are quite a number of anomalies that have been addressed in that single clause.

There has been a major concession in that that rather invidious concept of class action has been totally excluded from the legislation. We are delighted with that, and the idea that trade unions might represent the complainants as of right has been removed. Trade unionists and others can represent a complainant, not of right but by appeal and with the permission of the tribunal.

So, there is a difference between a complainant and his or her legal counsel being represented as of right and trade unionists and others being represented with the tribunal's permission. That was a concession by the Government which was arrived at rather late. Employer liability is still open. It is very extensive and could be of tremendous importance in future legislation as the full facts behind this

Equal Opportunity Bill become known to the public. We do not know how many appeals might be lodged.

However, I would like to commend the Government for being considerate enough to allow two very well compiled defence clauses to be included in this legislation. That made us much more amenable to accepting the definitions of 'harassment', 'sexuality' and 'transexuality' and considering that union representation would be allowed on application and with the tribunal's permission.

The question of AIDS (Acquired Immune Deficiency Syndrome) was not neglected, although very little mention has been made of it since the second reading debate. However, the Attorney-General did say that he and his colleagues had given the matter some considerable consideration and that they believed that this Bill in itself in no way affected the problem of AIDS. It would not allow any greater spread of AIDS than was currently the case. It was the considered opinion of members of the conference that the Attorney-General was correct and that any attempt to control the Acquired Immune Deficiency Syndrome in South Australia would be better met by alternative action or legislation, and regulation probably, but under other portfolios—probably the health Ministry.

The essential problem lies not within the Bill before us but in the identification of those people who might be suffering from AIDS and, of course, in preventing them from becoming blood donors. However, in any case, the provisions of this Bill allow for provision of services, and people who donate blood, of course, are not receiving a service. They maintain that they are giving a service to the community, and their action is simply not covered by this legislation, although homosexuality, transexuality and other less common sexual preferences are recognised and allowed for in the legislation.

We believe that the legislation, as it has emerged from the conference, is very much improved from that which was introduced initially into the Legislative Council some considerable time ago. A lot of hard work has gone into the legislation right through. My colleagues on this side have certainly given the entire legislation a great deal of very responsible thought and attention. I believe that the fact that so many amendments were made both in the Legislative Council and in the House of Assembly and that they were ultimately accepted by the conference reflects on the good intentions of all members of both Houses.

This has not been the easiest piece of legislation to address, and certainly members on this side have been permitted to speak their minds. As a result of that, I believe that the various clauses have emerged in much better condition and that not only women in the community but also a great number of other people who formerly might have considered themselves to be underprivileged and suffering different forms of attack would now consider themselves to be much better provided for legally in South Australia. I thank my colleagues on both sides of the House for the hard work that they put in during the conference and commend the conference's recommendations to the House.

Motion carried.

NURSES BILL

Adjourned debate on second reading.

(Continued from 5 December. Page 2192.)

The Hon. JENNIFER ADAMSON (Coles): It is a pleasure to support this Bill, which I understand has been sought for no less than seven years by the nursing profession. It is a Bill to provide for the registration and enrolment of nurses, to regulate nursing for the purpose of maintaining high standards of competence and conduct by nurses in South Australia, to repeal the Nurses Registration Act, 1920, and for other purposes. The nursing profession in South Australia is one of which the whole community can be very proud indeed. I certainly enjoyed a most rewarding association with nurses during my term as Minister of Health and, although I have a natural regret that this legislation was not introduced while we were in office, it was one of the many registration Bills that were in the process of preparation, and it was simply not possible to move forward on a multitude of fronts at once. However, I know that the profession is satisfied with this Bill, although, as late as this evening in discussion with nurses, I was told that it could very shortly become out of date because of the rapidly changing issues that confront the nursing profession and the increasing need for restrictions that recognise the professionalism of nursing.

Nurses are the largest category of health worker in Australia and, of course, in South Australia. This Bill will enable the Nurses Board to supervise and control the competence of the profession for the protection of the public. That is what nurses have been seeking; that is what nurses regard as an extremely high priority, and that is what has hampered nurses achieving this in recent years, because of the outdated and inadequate nature of the existing nurses legislation. The Bill reforms and updates professional registration. It will enable the Board to exercise proper control over the profession, as well as providing adequate protection for the community. There are several key clauses that achieve that. Clause 14 outlines the functions of the Board, including a provision ensuring that the community is adequately provided with nursing care of the highest standard and achieving and maintaining the highest professional standards both in competence and conduct in nursing.

As I said earlier, the profession in South Australia has very much of which to be proud. It has been the case for many years that a general nurse trained in an Adelaide teaching hospital would have little or no difficulty in obtaining employment anywhere in the world. Currently in the United Kingdom and the United States nursing registration requirements require that there should be competence and qualification in psychiatric nursing and obstetric nursing (midwifery). However, speaking of general nursing alone, the standards of teaching in South Australian teaching hospitals are and have always been very high. They reflect a similarly high teaching standard for the medical profession and, I believe, for all the professions in this State.

An important new provision in this legislation is the restrictions that are provided relating to the provision of nursing care by unregistered and unenrolled persons. Previously, there has been no legal power to prevent anyone holding themselves out as a nurse. To do so under this legislation will be illegal, and there is a penalty of $5 000 or imprisonment for six months. Increasingly, and particularly in the past 10 years, there have been amazingly rapid changes in medical and nursing technology, and nurses have assumed responsibility for more complex patient care. It is therefore absolutely essential that those increased responsibilities be recognised in increased professional protection for nurses and consequently that protection extends to the public. As the Minister said in his second reading explanation, new community activities and expectations, the introduction of highly sophisticated medical technology, changing medical practices and higher educational standards have all created a very different environment from that of the 1920s, when the original nurses registration legislation was enacted.

The Nurses Board to date has lacked provisions that would enable it to deal satisfactorily with both unprofessional conduct and to have disciplinary powers to ensure that nurses could perhaps continue to practise but with proper supervision and control. The new Bill focuses on the technical competence of individual professionals, professional ethics, which are extremely important in nursing as in all professions, and the maintenance of professional standards. From speaking to nurses tonight and over the years, I have found that it has been a very strong preoccupation of nurses in this State to ensure that standards are maintained for the protection of the public. I often wonder whether people realise the tremendous diversity that nursing has embarked upon in recent years.

The notion of the hospital nurse in uniform and veil is in fact outdated, although I suspect that it is the image that most people still hold in their minds. The reality of the child and maternal health care nurse in the community working in homes and in child adolescent and family health centres, the industrial nurse working on the shop floor in occupational health, the community nurse working in the domiciliary care situation, and the nurse as an educator in public health matters are all tremendously important roles for nursing which reflect today's emphasis on preventive medicine and non-institutional care and the moving away from the curative model of health care which has traditionally been the case in this country.

The new Nurses Board will comprise a membership of 11. I am particularly pleased that the legislation will require a nurse to be at the head of the Board as the Chairperson. In recent years that has been the practice with the Nurses Board but in former times it was a doctor. I have always found it most interesting that the Nurses Board has medical representation on it but the Medical Board does not have nursing representation on it. Whilst I can see the reasons for it, the Medical Board would be enriched if a nurse were required to be on it as a matter of legislation. I am also pleased that express provision is made on the Nurses Board for a lay person. That initiative was instituted by the previous Government in the Medical Board under the Medical Practitioners Act, and I feel sure that it will be reflected in all registration boards from now on. The notion of consumer involvement in matters of professional ethics and discipline is an important one and I am glad that it is enshrined in this legislation.

I am also particularly pleased that the Bill provides for limited registration which will permit overseas nurses, not normally accepted for registration, to undertake specialist courses to develop their skills. This can be extremely beneficial especially in the case of nurses who can assist with the health care of refugees and of the quite large ethnic communities that exist in South Australia. It can be very important, I surmise, in terms of midwifery where women who are not Australian born will be immeasurably reassured by the presence during their confinement of a nurse who may not have the full South Australian qualifications but who has a professional right to be there under the new provisions of this Bill.

The requirement for nurses who have not practised for five years to undertake refresher courses before obtaining a practising certificate is an important one. Because of the huge leaps and bounds that nursing practice is making and will continue to make with technology, it is quite unacceptable that a nurse should be able to maintain her or his registration simply through payment of an annual fee and then re-enter the profession at any time: that is no longer good enough, and this Bill ensures that it cannot occur. The provision that the Board can require a nurse to provide evidence that he or she is physically and mentally fit to continue practice is also important.

All these matters have concerned the profession, and it has not been able to do anything about them other than through counselling, because there were no legal teeth under the existing Act. This registration Bill differs from the medical registration legislation in so far as there is no separate disciplinary tribunal. The reason for that is that most nurses work under supervision and not as self-employed persons dealing with the public without restriction. The Nurses Board in the past has always exercised great responsibility and skill in the way it has managed, within the limitations of the existing legislation, to control professional competence and, as the second reading explanation makes clear, most complaints received by the Nurses Board are related to employer-employee relationships rather than to patient-practitioner relationships. That in itself, in my opinion, speaks volumes for the profession.

In addressing the question of nursing registration, it is important to touch upon some of the issues which concern the nursing profession in Australia today. These include the selection of students who will become nurses and their suitability for the profession, which in my opinion can be classified not only as a profession but as a vocation. The content and style of the nursing curricula is a very important issue facing the profession and will become even more important as we move to a system of college-based education. That is a move which I heartily applaud and for which I worked as supportively as I could behind the scenes and sometimes up front during my term in office. I certainly congratulate the nurses on achieving a long-awaited aim, and I feel confident that that challenge of determining the appropriate content and style of nursing curricula will be well met by the profession in South Australia as the transition to college-based education takes place.

The role of the nurse in both the institutional and community setting is another important issue. I suggest that the community setting is one in which nurses should have a high profile, and by that I mean that they should be seen not only as practitioners but also as advocates for health, because I think that they are potentially possibly among the most influential advocates that we could have. The respect that nurses enjoy means that what they have to say to their patients and to the community generally will be well received and well heeded.

Patient teaching is another area in which nurses are becoming more and more involved. I was delighted to see the Hutchinson Hospital at Gawler win the Australian Hospitals Association award for its efforts in the community. Part of those efforts include, I know, the teaching of patients to enable them to become independent and to maintain their own health with as little assistance as possible from professionals. That to me is a very important goal of nursing and one which requires a certain selflessness on the part of the nurse, as well as great insight and teaching skills, if it is to be achieved.

The evaluation of the delivery of nursing care is another important issue. The profession in South Australia, and I believe in Australia, has been to the very forefront of peer review. Long before the other professions were talking about peer review, the nurses were undertaking it and were ensuring that they developed standards by which they could measure performance, evaluate quality and monitor the work of individual practitioners, of nursing staff collectively, and of the profession as a whole. I doubt whether many South Australians realise the enormous work that has been done in this area by the nursing profession which has led to the maintenance of extremely high standards during a very demanding period for nursing involving the introduction of high technology. The composition of the nursing work force is another important issue. Manpower planning, the response

to the community's needs, all require skill and judgment, and the Nurses Board plays a very important role in this.

Finally, I refer to the issue of the responsibility that nursing has to itself to develop its professional status within a health care team. No longer is, or should be, the nurse subordinate to the doctor; rather, she or he, as is now the case, should be an equal person in a multi-disciplinary team, and when college based education is the standard form of nursing education in this State I believe we will see much more of that partnership attitude and much less of the old hierarchical attitude which for so long suppressed nurses. I think it is interesting to look at the political status of nurses in Australia, to look at what it could potentially be because of the sheer weight of numbers of nurses, and to predict how strong that political power could be (that is not in a partisan sense but in the sense of nurses working publicly to achieve what they believe is important for nursing, both in the professional sense and industrial sense).

An article published in the *Weekend Australian* last year entitled 'Rebellion of hand maidens' referred to the apparent conflict between the considerable progress made by Australian, and indeed Western women, as a result of the women's movement of the 1960s and 1970s and the comparative lack of assertiveness and progress of the nursing profession, given that it is the most significant profession in terms of numbers and status composed almost entirely of women. I hope and believe that that is now changing, and I believe that college based education will contribute significantly to that challenge.

It being 7 December today (and a quarter to three in the morning), this is the day when one of South Australia's leading nurses, namely, Miss Pamela Spry, Director of Nursing at the Royal Adelaide Hospital, retires, and I am sure she can think of no more important way to mark this day than to have this Nurses Bill pass through both Houses of Parliament. I would like to take this opportunity to pay a tribute to Pamela Spry, who has been the Director of Nursing in one of the largest hospitals in Australia—certainly the biggest hospital in South Australia. She represents that group of women, the Directors of nursing in this State, for whom I have the greatest admiration and to whom the whole State owes a great deal. I learnt to respect those women, to trust their judgment and to admire their resolve, their sense of humour, their graciousness, and their absolute dedication. As I have said, the leaders of the profession in this State richly deserve legislation that will guarantee a continuation of the high standards that they have set for themselves and maintained for others during their working lives. It gives me great pleasure to support the Bill and to wish the new Nurses Board and the nursing profession in general well in their efforts in the delivery of health care in South Australia.

The Hon. G.F. KENEALLY (Minister of Tourism): I thank the member for Coles and the Opposition for the support given to this legislation. I think we all welcome this as the culmination of many years of effort by the nursing profession in South Australia. It is an acknowledgement of their professional status and the important and equal part that they play in the health care delivery team. This legislation will provide to this very worthy profession knowledgement of the important role that those in the profession have always provided for the citizens of South Australia. I welcome and appreciate the support of the Opposition.

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

GOLDEN GROVE (INDENTURE RATIFICATION) BILL

Returned from the Legislative Council without amendment.

PRICES ACT AMENDMENT BILL (No. 2)

The Legislative Council intimated that it had disagreed to the House of Assembly's amendment and had made the following alternative amendment:

Clause 3—
Page 1, lines 29 to 34—
Page 2, lines 1 to 27—
Leave out subclause (3b) and insert subclauses as follows:

(3b) in subsection (3a), 'the prescribed amount' means—

(a) where the consumer is or is to be a party to proceedings in his capacity as a purchaser or prospective purchaser of land upon which he resides or intends to reside—the amount of eighty thousand dollars or such other amount as may be prescribed;

(b) where the consumer is or is to be a party to proceedings in his capacity as a mortgagor of land upon which he resides or intends to reside—the amount of forty thousand dollars or such other amount as may be prescribed;

or

(c) in any other case—the amount of twenty thousand dollars or such other amount as may be prescribed.

(3c) A regulation prescribing an amount for the purposes of subsection (3b) shall not take effect—

(a) until 14 sitting days of each House of Parliament (whether or not occurring in the same session of Parliament) have elapsed after the regulation is laid before each House;

and

(b) if within those 14 sitting days notice of a motion to disallow the regulation is given in either House of Parliament—unless and until the motion, or, if there is more than one such motion, each of the motions, is defeated, withdrawn or lapses.

Consideration in Committee.

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

That the House of Assembly do not insist on its amendment and that the alternative amendment made by the Legislative Council be agreed to.

I warmly urge this course of action on the Committee.

Motion carried.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

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

EQUAL OPPORTUNITY BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

The Legislative Council requested a conference, at which it would be represented by five managers, on the House of Assembly's amendments to which it had disagreed.

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

That a message be sent to the Legislative Council granting a conference as requested by it and that the time and place for holding the same be the House of Assembly conference room at 10 a.m. this day, and that Messrs Ferguson, Goldsworthy, Groom, Hopgood and Lewis be the managers on the part of this House.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I move:

To amend the motion by substituting '10.30 a.m.' for '10 a.m.'

The Hon. G.J. CRAFTER: The Government opposes that amendment.

The House divided on the amendment:

Ayes (18)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Trainer, and Whitten.

Pairs—Ayes—Messrs Blacker, D.C. Brown, Lewis, and Olsen. Noes—Messrs L.M.F. Arnold, Peterson, Slater, and Wright.

Majority of 2 for the Noes.

Amendment thus negatived.

The House divided on the motion:

Ayes (20)—Mr Abbott, Mrs Appleby, Messrs Bannon, M.J. Brown, Crafter (teller), M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Trainer, and Whitten.

Noes (18)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Baker, Becker, Chapman, Eastick, S.G. Evans, Goldsworthy (teller), Gunn, Ingerson, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs L.M.F. Arnold, Peterson, Slater, and Wright. Noes—Messrs Blacker, D.C. Brown, Lewis, and Olsen.

Majority of 2 for the Ayes.

Motion thus carried.

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

That the Standing Orders be so far suspended as to enable the sitting of the House to be continued during the conference.

Motion carried.

[Sitting suspended from 3.53 a.m. to 3 p.m.]

PAPER TABLED

The following paper was laid on the table:

By the Hon. G.F. Keneally, for the Minister of Education (Hon. Lynn Arnold):

Pursuant to Statute—

South Australian Timber Corporation—Report, 1982-83.

PERSONAL EXPLANATION: KINDERGARTENS

Mr GREGORY (Florey): I seek leave to make a personal explanation.

Leave granted.

Mr GREGORY: In this House on Wednesday 5 December, the member for Todd, when speaking on the Children's Services Bill, said:

Of course I can tell members opposite that kindergartens from their electorates have contacted me because they felt that there was absolutely no use in approaching Government members because they had been told—

Then I asked which ones, and the member for Todd stated:

One of the kindergartens in the member for Florey's district has contacted me to make it quite clear that that kindergarten regarded approaching the honourable member as being useless . . .

At the time that was said, I had doubts whether contact had been made at my office. I have checked with my secretary, and she has no recollection of having been rung or of receiving any correspondence. I have checked with the Directors of the three Kindergarten Union kindergartens in the electorate of Florey, and they assure me that they have not attempted to contact me or the member for Todd. I can only assume that he must be the new member for Balfours because of the pork pies he tells.

PERSONAL EXPLANATION: ARTIFICIAL INSEMINATION

The Hon. JENNIFER ADAMSON (Coles): I seek leave to make a personal explanation.

Leave granted.

The Hon. JENNIFER ADAMSON: I have today received a letter from Professor Lloyd Cox, Professor of Obstetrics and Gynaecology of the University of Adelaide, headed 'Artificial insemination by donor'. Dated 6 December 1984, the letter states:

I have read the transcript of your speech in the House of Assembly on 14 November 1984 recorded on page 1923. In it you state, 'The administrators of the programme told me that they never investigated the claim of a couple to be married; in other words, they checked to see whether the couple seeking eligibility for the programme was married. The couple simply had to say "Yes". That there was never any requirement to produce evidence of marriage in itself raises a very interesting series of questions in relation to this clause.'

It has always been the policy at the Queen Elizabeth Hospital fertility clinic for the requirement of marriage to be made known through couples seeking donor insemination, particularly because of the doubtful legal status of the expected child. The marriage certificate has always been requested by the clinic staff and a note of its sighting is recorded in the patient's file.

The same situation holds with *in vitro* fertilisation. It is interesting to note that on acquainting couples who are in a *de facto* relationship with this requirement there has been no demurral; the reason given to them that the legal status of the child was paramount appeared to satisfy them and all those wishing to continue in the programme duly produced the marriage certificate.

L.W. COX

As the facts in the letter were not in accordance with my recollection of advice given to me as Minister of Health, I contacted the Department of Obstetrics and Gynaecology at the Flinders Medical Centre to seek clarification of the policy which applied during my term in office. Dr Christopher Chen, Senior Staff Specialist and Senior Lecturer in the Department and a member of the Fertility Clinic, told me that when couples register at the outpatient clinic, they are questioned as to their marital status. Answers are recorded in clinical notes and subsequently confirmed under questioning by the medical doctor.

Dr Chen advised me that answers are taken in good faith. That, of course, was the recollection on which I based my statements in the Bill. However, Dr Chen advised me further that, if there is any doubt at this stage, staff seek evidence of a marriage certificate, but this is not done as a matter of routine. In short, the patient proceeds through a number of screenings and it would be difficult for a couple to mislead the administrators of the programme. I regret that my statement was misleading in so far as it did not convey correctly the policy at the Queen Elizabeth Hospital and I am pleased to have the opportunity to correct that statement and put the policies of both hospitals on the record.

PERSONAL EXPLANATION: KINDERGARTENS

Mr ASHENDEN (Todd): I seek leave to make a personal explanation.

Leave granted.

Mr ASHENDEN: I refer to the personal explanation just given by the member for Florey. I make two points because, obviously, the member for Florey has two complete misunderstandings. First, I will quote the words I used in the Parliament on Wednesday. After an interjection from the member for Florey asking which kindergartens I was referring to, I stated:

> One of the kindergartens in the member for Florey's district has contacted me to make it quite clear that that kindergarten regarded approaching the honourable member as being useless . . .

I did not state that they had approached the honourable member, but the words given to me by the parents from the kindergarten were quite clear, in that they said that they regarded—

Members interjecting:

The SPEAKER: Order! The honourable member for Todd.

Mr ASHENDEN: In other words, I gave the absolute truth because I said that they regarded it as being useless. The words are there for the record, so members can squawk all they like. I also make the point that it was a group of parents representing one of the management committees of one of the kindergartens in the District of the member for Florey that approached me.

Members interjecting:

The SPEAKER: Order!

CORRECTIONAL SERVICES ACT AMENDMENT BILL

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

The Hon. D.J. HOPGOOD (Minister for the Environment): I move:

> That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be continued during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

I believe that Standing Orders are such I must be extremely careful what I say in relation to the state of play of the conference of managers. I will read to the House a statement which is identical in all important details with what is about to be read, is being read, or has been read by the Attorney-General in another place.

The conference of managers has adjourned to 12 February at 3.15 p.m. It has been unable to reach agreement at this stage. It wishes to examine further the suggested Commonwealth-State Ministers' standards on the ER category. It also wishes to provide the Attorney-General with the opportunity to discuss these further with Commonwealth and State Ministers and authorities. The discussions are also to include the question of adult cinemas, as suggested by the Hon. R.I. Lucas, M.L.C., in another place. I commend the motion to the House.

Motion carried.

ADJOURNMENT

At 3.10 p.m. the House adjourned until Tuesday 12 February 1985 at 2 p.m.