LEGISLATIVE COUNCIL

Thursday 25 February 1982

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

SUSPENSION OF STANDING ORDERS

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move the following motion without notice:

That in the opinion of this Council the Attorney-General, the Hon. K. T. Griffin, has misled this Council and the public of South Australia in relation to the on-the-spot fine system and it is the view that he should be removed from his Ministerial duties—

The Hon. C. M. Hill: He's not here to defend himself.

The Hon. N. K. FOSTER: I rise on a point of order. Are we going to start this again today? I suggest that the members on the opposite side of the Chamber should have listened to the broadcast—

The PRESIDENT: Order!

The Hon. C. J. SUMNER:

—and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

The Hon. C. M. Hill: What sort of tactics are these? We never did this to you—we never stooped so low.

Members interjecting:

The Hon. FRANK BLEVINS: I rise on a point of order, Mr President. This is not a motion that lends itself to any frivolity or stupidity from Government members. I would appreciate it if today, at least, you could keep some order in this Council.

The Hon. C. M. Hill: That's a reflection on the Chair.

The PRESIDENT: It is a reflection on the Chair, and the Chair will not overlook the matter if the occasion arises.

The Hon. C. J. SUMNER: I have a few moments in which to explain why I have moved for the suspension of Standing Orders. This serious matter involving the Government and, in particular, the Attorney-General should be aired in this Council today. It is another serious charge involving deceit on the part of the Government and one of its Ministers. The matter is the subject of an urgency motion in another place, and it should be dealt with today in this place as well.

The Hon. C. M. Hill: Without the Minister's being here?

The PRESIDENT: Order!

The Hon. C. J. SUMNER: I rang the Attorney-General at 12.25 p.m. today, at which time he advised me that he would not be in the Council today.

The Hon. C. M. Hill: He told you that four days ago.

The Hon. C. J. SUMNER: He told me at 12.25 that he would not be in the Council today. I then sent a letter to his office with instructions that it should be sent to the Hon. Mr Hill. The letter I sent gave notice of the motion that I have referred to in moving for the suspension of Standing Orders. It may be that something has to be done about the system of granting pairs for members on Government business. The Attorney left at 1.20 p.m. for Hobart.

The Hon. M. B. Cameron: At 12.25!

The Hon. C. J. SUMNER: It may be that the matter of pairs needs to be looked at. I do not know whether the Minister was due to be in Hobart tonight for Government business. If he was not due to be in Hobart tonight then he should have been in the Council. That matter needs to be looked at. This is an issue of considerable importance, and the motion should be moved today. In an attempt to overcome the objections of Government members, the Opposition will consent to an adjournment at any point in the debate decided on by the Government after I have moved and spoken to my motion.

The Hon. L. H. Davis: You're gutless.

The Hon. C. J. SUMNER: I am not in the least bit afraid to face him. The Attorney-General will have a chance to respond next week. The issue is being debated in another place and it ought to be aired in this place today.

The Council divided on the motion:

Ayes (9)—The Hons Frank Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. G. L. Bruce. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Motion thus negatived.

PAIRS

The Hon. C. J. SUMNER: I direct a question to the Leader of the Government in this Council.

The Hon. N. K. FOSTER: I rise on a point of order, and I am seeking your advice, Mr President. It is unfortunate that we have seen an incident here today. I have persistently raised the matter in this Council ever since I have been a member, both when my Party was in Government and since then when it has been in Opposition. It is incumbent, for the sake of courtesy if nothing else, that we are advised when we commence sitting in the afternoon, in respect of Ministers, who are responsible not only for their own portfolios—

The Hon. L. H. Davis: Give it away.

The Hon. N. K. FOSTER: I speak in the present. We ought to be notified as to the reason for absence of Ministers just as absences are notified and called in every other Parliament in the Commonwealth.

The PRESIDENT: Order! The honourable member would be aware that it is not my duty to inform either Party of absences.

The Hon. C. M. HILL: I seek leave to make a personal explanation, as a result of the question just asked of you, Mr President.

Leave granted.

The Hon. C. M. HILL: I—

The Hon. N. K. FOSTER: If I may—is he Leader of the Government in this Chamber this afternoon?

The PRESIDENT: Order! The honourable member will resume his seat.

The Hon. N. K. Foster: Is he Leader of the Government?

The PRESIDENT: Order!

The Hon. C. M. HILL: I must—

The Hon. C. J. SUMNER: On a point of order, Mr President. What is going on? Is this a cattle market? Are we selling them off?

The Hon. C. M. HILL: As a result of information just given to the House by the Hon. Mr Foster when he sought your view, Mr President, and took a point of order, it is my duty to advise the Council that the Whips in this Council on both sides of the Chamber knew formally on Tuesday of this week that the Hon. Mr Griffin was required to be interstate on Ministerial business this afternoon and tomorrow; also, this evening. Indeed, this was discussed informally last week. I do not know whether the Hon. Mr Blevins was informed as far back as last week as to the possibility of the Attorney being absent, but certainly for-

mally on Tuesday of this week arrangements were agreed upon by the Whips on both sides of this Chamber. Therefore, the substance of the Hon. Mr Foster's point of order—

The Hon. N. K. FOSTER: I rise on a further point of order.

The Hon. C. M. HILL: —goes to water.

The Hon. N. K. FOSTER: I made no request of you, Mr President, in respect of the absence of the Leader of this House or the Whips at all. What the hell is he on about?

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Chuck him out for a change.

The PRESIDENT: Order!

The Hon. C. M. HILL: I am just informing the Council that Mr Griffin made proper and correct arrangements according to the precedents established in this Council over the last hundred years.

The Hon. J. E. Dunford: You know we haven't been here that long.

The PRESIDENT: Order!

The Hon. C. M. HILL: When I think of the nine years during which my Party was in Opposition in this Chamber and readily agreed to permit Ministers to go interstate on Ministerial business, I shudder at the thought that the situation is changing here, because we would never have dreamed of moving a motion against a Minister in his absence.

The Hon. C. J. SUMNER: On a point of order, Mr President.

The Hon. C. M. HILL: It is contrary to the traditions of the Council.

The PRESIDENT: Order! The honourable Leader is taking a point of order. The honourable Leader.

The Hon. C. J. SUMNER: Is this a personal explanation, or is the Minister debating something he imagines is before the Council? It seems to me not to relate to any personal explanation.

The PRESIDENT: There did not seem to be any point of debate. I think it was an explanation of the situation.

The Hon. FRANK BLEVINS: I seek leave to make a personal explanation.

Leave granted.

The Hon. FRANK BLEVINS: The Hon. Legh Davis, by way of repeated interjection (out of order, I note in passing), and the Hon. Murray Hill, by way of interjection and now by way of personal explanation, stated that the Hon. Trevor Griffin is absent from the Chamber under an arrangement that follows precedent. That is not true. That is absolutely incorrect. The precedent, since the present Government has been in office, is that when Ministers want a pair for reasons of Ministerial duty they contact the Leader. The Hon. Mr Burdett, who was laughing a moment ago, did that last week. The Hon. Trevor Griffin also usually does that. The Hon. Mr Hill deviates slightly, as one might expect, and contacts me personally by letter. I have no authority to grant pairs without the Leader being contacted and agreeing to them.

The Hon. J. C. Burdett: You were contacted on Tuesday.

The Hon. FRANK BLEVINS: Just a minute. For the Minister of Local Government to say that the pair was granted in accordance with past practice is not correct. It is totally incorrect. Past practice was not followed. In fact, apparently what occurred is that the Hon. Mr Dawkins, the Government Whip, placed a note on my desk. On reading the note I recognised that it was in the Hon. Mr Dawkins's handwriting—I regret that this point has come up because it is not the basis for the Leader's complaint. The note contained two requests which appear side by side. The first request states 'Thursday, Griffin, pair please.' Anyone can see by looking at the note that it has been altered from Tuesday. Alongside that request on the right-hand side of the page we find 'Wednesday evening, Dawkins, pair please.' I understood from that that a pair was required for the previous Tuesday when the Hon. Mr Griffin had, as per precedent, contacted the Leader and received his agreement that if his Ministerial duties were such we would agree to give him a pair.

The Hon. L. H. Davis: What date was this?

The Hon. FRANK BLEVINS: The note is not dated. Notes frequently appear on my desk.

The Hon. L. H. Davis: What day was it?

The Hon. FRANK BLEVINS: I have no idea.

The Hon. L. H. Davis: You must have some idea.

The Hon. FRANK BLEVINS: I have no idea at all. Notes frequently appear on my desk. Until now the pair arrangements in this Council have worked in first-class fashion. When Ministers have required a pair they have contacted the Leader and it has been granted. When back-benchers have required a pair they have contacted either of the Whips, who have made the arrangements.

The Hon. C. M. Hill: Come on.

The Hon. FRANK BLEVINS: Just a minute, this has worked very well.

The Hon. L. H. Davis: When did you receive this?

The Hon. FRANK BLEVINS: Just a minute. The Hon. Mr Davis is continually interjecting.

The Hon. C. M. Hill: You don't deserve any pay for your job, although you have been trying to get it for many years.

The Hon. FRANK BLEVINS: We will see, Murray. Keep going. I do not blame the Hon. Mr Dawkins at all for this situation. It has been the practice for the Hon. Mr Dawkins and me to exchange notes. Looking at this note I can see that the word 'Tuesday' has been altered. I do not know whether the Hon. Mr Dawkins altered the note that he had placed on my desk. I am not sure about that and I do not think it is important. Members opposite cannot say that the Attorney-General is absent today in accordance with a precedent that had been set in the past. The Attorney's absence is absolutely contrary to precedent. Had the precedent and the normal courtesies been followed by Ministers opposite, the misunderstanding would not have occurred.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. Burdett: That's utter rubbish.

The Hon. FRANK BLEVINS: The Hon. Mr Burdett contacted the Leader only last week. When the Hon. Mr Hill requires a pair he always makes his request in writing and the Attorney-General, until this occasion, has always contacted the Leader of the Opposition.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I assure the Government that such a misunderstanding will not occur again, because if any Ministers or back-benchers require a pair they will have to make their request in writing and it will be dealt with accordingly.

The Hon. M. B. DAWKINS: I seek leave to make a personal explanation.

Leave granted.

The PRESIDENT: I ask the Hon. Mr Dawkins not to develop his personal explanation into a debate.

The Hon. M. B. DAWKINS: I certainly do not want to inflame a debate or anything like that. All I wish to say is this. During the period that I was Opposition Whip and since I have been Government Whip, I have had satisfactory relationships, as far as the arrangement of pairs is concerned, with both the Hon. Mr Creedon and the Hon. Mr Frank Blevins. As the Hon. Frank Blevins has said, I put a note on his desk, but I also spoke to the Hon. Frank Blevins about the situation at the first opportunity that I had. I am not aware whether the Hon. Mr Griffin made any other

approaches to other people, but I know that he did ask me to arrange a pair, which I did.

The Hon. C. J. Sumner: He certainly didn't make any approaches to me.

The Hon. M. B. DAWKINS: The Attorney-General asked me to arrange a pair with the Hon. Frank Blevins; I did that, and the Hon. Frank Blevins was happy to grant it. The arrangement regarding pairs is one that, if either side tries to be silly, the chickens will come home to roost in due course, because one side or the other will then find itself in a very difficult situation if pairs are not granted for reasonable matters. I know that the Hon. Mr Griffin asked me to make that arrangement. It has nothing to do with me whether he spoke to the Leader or not. The arrangements I have made over the period I have been Whip have been satisfactory with the Opposition. That situation should continue, in which pairs are granted for correct and responsible reasons, and then the Chamber will continue to work satisfactorily. If either Party tries to do something silly, then the situation will arise where members will be found to be in a difficult position through no fault of the person concerned. My arrangements with the Whip for the Labor Party, first the Hon. Mr Creedon and then the Hon. Frank Blevins, have always been satisfactory. I hope that the situation will defuse itself and that sensible arrangements will continue and that this oversight (if, indeed, there was an oversight by the Attorney-General in not speaking personally to the Leader) will be overlooked and the situation will be corrected in future.

The Hon. C. J. SUMNER: I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: Regarding the question of this pair and the absence of the Attorney-General today, at no stage did he contact me until I telephoned him at about 12.30 or 12.25 this afternoon, to advise him of the no-confidence motion. The Attorney-General then told me that he would not be here and said that a pair had been arranged. At no time was the courtesy extended to me of advising me that he would not be here, and this is contrary to the understanding I have always had with members on the front bench whom I shadow in this Chamber. This is the first time that any Minister in this Chamber who has wanted a pair has not advised me. The Hon. Mr Hill does it and does it very courteously. The Hon. Mr Burdett has always done it in the past and has done it courteously. Indeed, up to the present time the Attorney-General has always advised me. It is up to the Opposition to determine whether or not the pair should be granted for legitimate business. If there is legitimate business, Government business, Ministerial meetings and the like, there has never been any objection to pairs from the Opposition. We want to know whether or not—

The Hon. L. H. Davis: Did the Hon. Frank Blevins tell you?

The PRESIDENT: I ask that the Hon. Mr Davis desist from continually interjecting.

The Hon. C. J. SUMNER: To answer the interjection, it was obviously, as the Hon. Mr Dawkins mentioned, a misunderstanding in relation to the granting of the pair. The only point I am making is that I was not told by the Minister and on all occasions up to the present time I have been told. It is the Opposition's right to ascertain what the pair is being requested for. If there is a meeting in Hobart tonight, then it is legitimate: if there is no meeting in Hobart tonight it was an illegitimate request for a pair. That information was not given to me or to the Opposition Whip. I expect that the Attorney-General will be able to clarify that aspect of the matter when he returns. If there is a meeting tonight, then the pair will be legitimate: if there is no meeting tonight then this was a completely illegitimate request for a pair. Had the Attorney-General left at 3.40 p.m. he could have arrived in Hobart tonight at 8.30 or thereabouts, but he chose to leave here as I understand it at 1.30 p.m. That is the position. I hope that it will be clarified next week.

QUESTIONS

ON-THE-SPOT FINES

The Hon. C. J. SUMNER: I assume that the Hon. Mr Hill is Acting Leader of the Government. On the basis of the Cabinet discussions in which the Leader of the Government was involved, can the Minister of Local Government, on behalf of the Government, advise the Chamber as to whether it was anticipated that there would be any increase in revenue to the Government as a result of the on-the-spot fine system?

The Hon. C. M. HILL: The honourable member knows that I cannot disclose Cabinet discussions in this Chamber. The whole matter was given full and proper consideration in Cabinet and the final decision was made to proceed with that particular matter.

The Hon. C. J. SUMNER: I have a supplementary question. Was the Government of the view that there would be an increase in revenue as a result of the on-the-spot fine system when it was introduced?

The Hon. C. M. HILL: Not necessarily.

DOCTORS' ACCOUNTS

The Hon. R. J. RITSON: I seek leave to make an explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about patient auditing of doctors' accounts.

Leave granted.

The Hon. R. J. RITSON: By way of explanation I will read to the Chamber a short letter published in the current issue of the *Bulletin*, which explains the questions that follow. The article is headed 'Medi-fraud solution' and says:

While considering the ravings of the politicians and the AMA about the 900 doctors who are stealing $100 000 000 from the Treasury yearly, a remarkably simple solution to the problem occurred to me. My answer is almost foolproof and very cheap, and it would dramatically reduce the numbers of expensive bureaucrats necessary to police the Health Insurance Act.

The scheme is this: (1) abolish bulk billing and (2) abolish item numbers for medical services. The doctor would then be forced to render to the patient an account describing the service performed, item by item, with the appropriate fee. The patient would pay the account and then collect the refund on presentation of the receipt.

I submit that patients will sign anything as long as it isn't costing them a cent, so it is easy to contrive frauds within the bulk-billing system. On the other hand, it is highly unlikely that even the most cynical patient, eager to curry favour with his doctor, is going to part with $25 for a consultation longer than 25 minutes when he knows very well that he was in the surgery for only 10 minutes. Even the prospect of a swift refund seems irrelevant when one has to part with scarce cash for a service that has not been performed. The abolition of item numbers would prevent this code being used in attempts to conceal the true nature of the services being charged for.

The solution to Medi-fraud, as it is popularly known, is less regulations rather than more. Let the consumer police the nature and the price of the services he receives. Return to the straight patient/doctor fee for service contract and the problem will be solved.

I challenge both the Government and the Opposition to come up with a simpler or more cost-effective solution to the problem and, if they cannot produce one, demand that they implement the above plan or explain to the electorate why they are wasting taxpayers' money.

Does the Minister of Health consider that a move towards simplification of the item number system and towards a higher degree of patient audit is the direction in which the health insurance policy should move? If she does, would the Minister of Health use all her influence with her Federal colleagues to hasten the implementation of such a system?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague in another place and bring back a reply.

BALAKLAVA COUNCIL

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Local Government a question about Balaklava council.

Leave granted.

The Hon. J. R. CORNWALL: Earlier this week the Opposition was approached by some very respected and well known citizens of Balaklava who complained about the actions of the District Council of Balaklava. The council is proposing to install a common effluent drainage scheme in Balaklava. Normally, that would be seen to be not only unexceptional but desirable. However, there are some disturbing irregularities about the way the proposal has been presented to the townspeople. A notice dated 18 December was posted to all residents on 22 December stating that the council intended to seek authorisation of the scheme by the Minister of Local Government. That was the form of the words, but apparently the whole scheme, funded substantially by the Minister of Health through the local board of health, was what the Minister of Health is so fond of calling a *fait accompli* as far as the council was concerned.

The notice gave residents 21 days to object but, as I have pointed out previously, four days had expired before the notice was even posted. The closing date for objections was 8 January. The district council offices were closed from 24 December to 4 January for the Christmas break. A deputation approached the Ombudsman about this aspect, pointing out the severe irregularities involved, so that the 21 days was more like seven days in fact. After the approach to the Ombudsman about this matter, the time was extended.

By 8 January, despite the very short time and the fact that the Christmas-New Year holidays had intervened, the council had received 113 letters in response to the notice, 112 letters objecting to and one letter in support of the scheme. A petition was organised at very short notice asking for a poll of ratepayers. I have a copy of that here. About 200 signatures were obtained in the town before 8 January, despite the fact that some people were away for the Christmas break and it was only possible to canvass half the town in the time available. If one takes into account the relatively small population of Balaklava, that was quite a remarkable response.

The council then called a public meeting that was attended by two officers of the Health Commission, Mr Brian Harvey and Mr Ray Day. The meeting was supposed to be simply to explain the scheme. It was never indicated that a vote would be taken, nor was it really proper for a vote to be taken at a meeting such as that. About 250 people attended. Towards the close of the meeting the Chairperson, which I think would be her correct title in this case, asked for a show of hands of those people in favour. The so-called 'vote' was counted by one of the Health Commission officers. An estimated 100 of the 250 people present were said to vote for the scheme. No vote against was called, surely a most irregular procedure. Those people against the scheme present at the meeting were not given the opportunity, even at this irregular meeting with this irregular procedure, to voice their opposition to the scheme. It is further alleged that some of those voting in favour of the scheme were neither ratepayers nor residents of the town.

The Chairperson of the council, Margaret Gleeson, was reported in the local paper as having expressed her surprise and delight at what she interpreted as such widespread support for the scheme—100 people out of an estimated 250 people at a meeting at which no-one knew a vote would be taken, and 112 out of 113 letters received, objecting to the scheme. Yet the Chairperson, Mrs Gleeson, was reported as being 'surprised and delighted'—those were the words used by the Balaklava council Chairperson to describe her thoughts.

To some extent, as explained to me, the scheme is open-ended in regard to costing. It is estimated to cost at least $1 000 000. The council makes its decision to proceed on 17 February. It has refused absolutely to conduct a local poll on the issue, despite repeated requests from ratepayers and citizens of the town. Many people, including prominent local clergymen, and particularly the local Catholic priest, Father Dunn, are outraged that all the normal elements of social justice and democracy have been denied. They say that the cost per household will be about $1 000, and even more in some cases. Many people in Balaklava, in common with many of their fellow South Australians, are on low incomes and are struggling to survive. The scheme is being foisted on them, and they are being forced to connect to it.

Moreover, there is considerable doubt about a common effluent drainage scheme being the correct scheme to adopt. Residents claim that the present septic system has never presented a health hazard. They say that ultimately a deep-drainage sewerage system would be far superior. The whole unhappy episode has been totally undemocratic. The majority of councillors making the decision do not live in the town. They do not represent the interests of those who live in the town and will not be affected by the scheme either way, particularly financially. There have also been allegations of irregularities in the purchase of land for the scheme at ridiculously high prices, with some influential people in the area standing to make windfall gains on residential blocks in the town.

It is interesting to look at the ward structure of the council. The two town wards contain about 1 300 electors, while the country wards, which have majority representation on the council, all have fewer than 100 electors; one ward has only 30 electors.

The Hon. Anne Levy: Only 30!

The Hon. J. R. CORNWALL: Yes. Even the Hon. Mr Davis, who is not very bright in these matters, will see that democracy is not alive and well in Balaklava. It is interesting to observe the lack of faith that residents have in their local member, Mr Keith Russack, member for Goyder. When they first approached the Opposition, we very properly suggested, as we normally do, that they should go through their local member. We pointed out that he is very experienced in local government matters and should have direct access to Ministers, because his particular Party happens to be in Government for the time being. Apparently, Mr Russack does not want to become involved, and the townspeople tell me that they have no faith in him at all in this matter. I find that regrettable because I have generally had quite a high opinion of Mr Russack as a local member. Indeed, despite our suggestions that they should go through Mr Russack, they made a special day trip to Adelaide to appeal to the Opposition.

The decision has been taken in an extraordinarily undemocratic way by a council elected in a totally undemocratic manner. There is widespread hostility among the townspeople who will be affected. It is absolutely imperative that a local

poll be conducted. In the interests of justice and democracy, will the Minister take whatever steps—

Members interjecting:

The Hon. J. R. CORNWALL: Members opposite laugh—they love gerrymanders.

The PRESIDENT: Order! The Hon. Dr Cornwall is about to ask his question, as he ought to do.

The Hon. J. R. CORNWALL: They laugh about 1 300 electors appointing two ward councillors, while in one of the country wards 30 electors appoint a representative. All the other country wards have fewer than 100 electors, and all honourable members opposite—with the exception of the Hon. Mr DeGaris and possibly the Hon. Mr Laidlaw—are laughing. They find it a matter for merriment—they love gerrymanders, especially the oldies, those honourable members who can remember the good old days of 16 to four against the Labor Party.

The PRESIDENT: Does the Hon. Dr Cornwall want to ask his question?

The Hon. J. R. CORNWALL: In the interests of justice and democracy, will the Minister take whatever action is necessary to ensure that a local poll is held in Balaklava on this issue?

The Hon. C. M. HILL: The honourable member takes the palm as the greatest knocker in this Council. He has criticised local government and country communities. He had a shot directly at the council and now he does not want to see people have an effluent system in the town. The whole of the honourable member's submission rather surprises me, because there is a whole queue of country towns wanting to be provided with funds for effluent systems to be installed.

As I heard the explanation, apparently there is a group of people in Balaklava who prefer to continue with a lifestyle that does not involve any properly planned and established effluent system in the town. However, I will take note of all the points that the member has brought forward and look at the whole question as it applies to Balaklava. After I have obtained this information from my departmental officers, I will bring back a reply for the honourable member.

ON-THE-SPOT FINES

The Hon. C. J. SUMNER: My question is directed to the Acting Leader of the Government. How much revenue was it anticipated would be raised by the Government as a result of the on-the-spot fines system?

The Hon. C. M. HILL: I do not have that information at my fingertips. Indeed, as I recall discussion of this whole matter, emphasis was not given to the question of potential revenue. This is a point that the Leader of the Opposition seems to want to stress. Let me point out to the Council that the purpose of the implementation of the on-the-spot fines scheme was to avoid administrative costs, some of the bureaucratic system, and the inconvenience to the citizens of this State in having to receive notices, make arrangements for court appearances, and so on. This is what we were trying to do as part of our deregulation and as part of the reduction in the administrative costs of running the State.

These matters were very strongly emphasised in the discussions leading up to the introduction of on-the-spot fines. The actual estimate, as I recall, on any returns was not given any emphasis at all. I am prepared to have the files rechecked and, if there is any indication that some figure as suggested was brought up in discussion, I will bring that information back.

CANCER REGISTER

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before directing a question to the Minister of Community Welfare, representing the Minister of Health, about a national register of cancer patients.

Leave granted.

The Hon. L. H. DAVIS: A leading cancer surgeon, Sir Edward Hughes, who is a Monash University Professor of Surgery at Albert Hospital, has recently stated that a national register of cancer patients could help to identify areas where different types of cancer were more prevalent or less prevalent than others. Members would no doubt know that in Australia, cancer is responsible for a large number of deaths each year. Available statistics show that in 1979 over 22 000 people died as a result of the disease. These statistics probably understate the true position.

A national register could materially assist in fighting cancer. Members would also be aware that each State has a cancer register, and some States require the compulsory notification of all cancer cases. Can the Minister say whether State Health Ministers have considered establishing a national register of cancer patients to assist in fighting this disease?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring back a reply.

JUVENILE OFFENDERS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking a question of the Minister of Community Welfare regarding juvenile corrective institutions.

Leave granted.

The Hon. ANNE LEVY: The quarterly publication from the Australian Institute of Criminology, entitled the *Reporter*, has for the past 12 months been publishing statistics on juveniles under detention throughout Australia. The figures for each State are presented in different tables, one of which is a table of persons aged from 10 to 17 years in juvenile corrective institutions by reason of detention. These are monthly figures and are taken as the number of people in the different categories who are in juvenile corrective institutions on the last day of each month. In this table the persons are subdivided into those who are offenders or alleged offenders and also a separate category of those who are non-offenders.

I have checked these figures for the past 12 months and I am horrified to find that in South Australia in most months there are individuals in the category of non-offenders who are in juvenile corrective institutions. There were three such people at 31 October 1980, three at the end of November 1980, three at the end of December 1980, two at the end of January 1981, seven at the end of February 1981, 12 at the end of March 1981, four at the end of April 1981, 12 at the end of May 1981, one at the end of June 1981, none at the end of July or August 1981, and one at the end of September 1981. Over the 12-month period this adds up to 48 individuals.

These could, of course, be over-estimates, since the one person may have been recorded more than once if he or she spent more than one month in a juvenile corrective institution. Alternatively, it could be an under-estimate, because there could be non-offenders who have been placed in juvenile corrective institutions on the first day of the month and released the day before the last day of the month and who would not therefore appear in the figures. It would seem that over this 12-month period there was

quite a large number of non-offenders in our juvenile corrective institutions.

I ask the Minister whether he can tell us the sex and race of these 48 juvenile non-offenders in corrective institutions. Secondly, why were non-offenders in a juvenile corrective institution? Thirdly, were these non-offenders segregated from offenders or alleged offenders in these corrective institutions? Fourthly, does the Minister agree that juvenile non-offenders should not be in the same institution as offenders, and can he ensure that they are not put in the same institution as offenders in future?

The Hon. J. C. BURDETT: The question is in such detail, particularly in regard to sex and race, that obviously I could not be expected to answer it on the spot. I will consult my department and bring back a reply but I think that probably the kind of thing to which the honourable member is referring arises because of a matter of nomenclature and definition. In this State we do not use the term 'juvenile corrective institution' at all. We have secure care centres, reception homes, and places of that kind. It seems to me likely that the problem that is concerning the member has arisen from the fact that some authority interstate that has prepared these figures, the Institute of Criminology or whatever, has used a description that is not really descriptive of South Australian institutions.

There are only two secure centres in South Australia: South Australian Youth Training Centre (SAYTC) and the South Australian Youth Remand and Assessment Centre (SAYRAC). It seems obvious to me from the figures mentioned by the honourable member that a wider range of institutions has been included in the term 'juvenile corrective institutions'. Non-offenders, people with severe behavioural problems, severely disturbed youths—.

The Hon. N. K. Foster: You come into that category.

The Hon. J. C. BURDETT: I did not think I was a youth, whatever else I might be. I am flattered by the honourable member's description. There are children who are placed under my care, and this State has a high record indeed of keeping children out of institutions that is probably not exceeded by any other State in Australia. Certainly, the whole of our programme of care of children, whether offenders or not, is to keep children out of institutional care. I will be very surprised if, when we come to analyse these figures in detail, we find that anything else is the case. There could be children under my care who are disturbed or have tried to commit suicide on several occasions (as often happens). Such children are in, for example, reception homes or places of that kind. The article quoted by the honourable member has used the term 'juvenile corrective institutions'; we do not know what that means and we do not use the term. Does it cover such places as reception homes? I shall be pleased to bring back a detailed reply for the honourable member.

The Hon. Anne Levy: Are they segregated from offenders?

The Hon. J. C. BURDETT: I have told the honourable member that I will bring back a reply.

LICENSING ACT

The Hon. G. L. BRUCE: I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs about licensed clubs in Whyalla.

Leave granted.

The Hon. G. L. BRUCE: A decision given by His Honour Judge Grubb under the Licensing Act floated across my desk recently. It concerns the licensing of the City Pearl Restaurant and the Pizza Hut in Whyalla. It is a fascinating document from which I will quote before asking my question. Judge Grubb had the following to say:

> As witness after witness appeared before me to support the need for the licensing of City Pearl and Pizza Hut, they gave evidence, either in examination-in-chief or in cross-examination, as to their present dining habits in licensed premises in Whyalla. A significant number of them indicated that they dine regularly at certain clubs. The ones specifically mentioned were South Whyalla Football Club, Central Whyalla Football Club, and North Whyalla Football Club. There were two areas of specific and regular patronage. South Whyalla Football Club provides a regular monthly 'Seafood Night', which they openly advertise as being available to all comers—'everybody welcome" is the clear message. The witnesses said they attended regularly at this function; that they were not members of the club and that they were never 'signed in'. In other words, they were not *bona fide* visitors. They attended, they had the meal, they purchased and consumed liquor and paid for it all. This is the most blatant example of a club trading as a public dining room or restaurant. One woman witness, who was a regular attender at the South's Seafood Night—

It goes on and on, but time is beating me, Mr President.

The PRESIDENT: It is.

The Hon. G. L. BRUCE: The document continues, later:

> It seems to me that, in the face of those facts, the duty of this Court is plain. I trust the Superintendent or the Assistant Superintendent will take the appropriate steps to ensure, even if no one else intervenes, that the licences of the clubs in Whyalla named in these Reasons (other than Whyalla Workers' Club) are not renewed 'as a matter of course'.

This is a fascinating document. Can the Minister say how the Act could be contravened to this extent, and will he use his good offices to see that the conditions of the Licensing Act relating to clubs in Whyalla are complied with?

The Hon. J. C. BURDETT: I do not think it would be proper for me to comment on His Honour's judgment. With regard to the particular question asked relating to Whyalla, I point out that the Licensing Branch does not have, and never has had, staff to enforce this kind of thing. The staff of the Licensing Branch has mainly been concerned with inspecting premises and things of that kind. It largely rests with the police to detect particular breaches of the Licensing Act in matters of the kind related by the honourable member.

LETTING AGENCIES

The Hon. C. J. SUMNER: I understand that the Minister of Consumer Affairs has a reply to a question I asked yesterday about letting agencies.

The Hon. J. C. BURDETT: Yes. Yesterday in this Council the Hon. C. J. Sumner asked a question about a recommendation of the report of the working party appointed to review the Residential Tenancies Act concerning letting agencies. Mr Sumner correctly quoted from *Hansard* of 24 February 1981 when I had stated that the report did not contain any recommendation on letting agencies. Unfortunately that information was not correct. The report contained the following recommendation:

> The working party recommends that the regulation of the activities of letting agencies be achieved by amendment to the Land and Business Agents Act.

However, the recommendation needs to be considered within the context of the discussion contained in the report. Mr Sumner failed to quote the reports full discussion relating to letting agents. Had he done so, my point yesterday that the Residential Tenancies Act was not the appropriate Act to amend would have been made clear. The report in fact says:

> Private letting agencies do not come within the ambit of the Act (The Residential Tenancies Act) as their activities involve transactions prior to any agreement. These activities may or may not lead to a residential tenancy agreement being entered into by a landlord and a tenant. The aim is simply to put prospective landlords and tenants into contact with each other.

There is no detailed argument in the report advocating that these agencies should be regulated. The report states (p. 30):

. . . there is a need for this service where prospective tenants are unable to spend time seeking rental accommodation. To prohibit these activities may not therefore serve the best interests of the community.

It then goes on to make the formal recommendation which I have quoted. But the whole thrust of the report's discussion and recommendation on this matter is that if these agencies are to be regulated it should be by amendment to the Land and Business Agents Act and not the Residential Tenancies Act. For this reason it was my view at the time of amending the Residential Tenancies Act that there was no strong recommendation to regulate letting agencies. During the debate on the Residential Tenancies Amendment Bill 1981 also on 24 February 1981 (p. 3089), I stated:

Consumers with respect to the availability of residential rental accommodation has been a 'service' as defined by the Consumer Transactions Act. This is the type of service provided by letting agencies. Under this Act, services must be performed with due care and skill, must be reasonably fit for the purpose for which they are provided, and must be of such a nature and quality that they might reasonably be expected to achieve a suitable result. In other words, a letting agent must provide up-to-date records of rental accommodation, and in such a way that, within the specified period, the prospective tenant might reasonably be expected to find accommodation. There is thus a very substantial method of control available to the Department at the present time.

I also said:

The Consumer Services Branch receives only five or six telephone inquiries per month concerning letting agencies and these usually disclose no cause for formal investigation . . . Usually they are complaints that the consumer has been unable to find accommodation within the period of service. This, however, may be due to several factors outside the letting agent's responsibility such as the consumer's tardiness in approaching listed landlords. Only the odd written complaint is received and investigated. The Consumer Services Branch does not consider letting agents a major problem at present.

At that time the department did not make any recommendations to me urging regulation of these agencies. That was because it did not then believe regulation was necessary. The situation has not changed since then and the department still does not believe it is necessary to regulate letting agencies.

In the 12 months to 31 December 1981, from the inquiries received, only four complaints were lodged with the Consumer Services Branch about this type of agency. Any specific complaint by a consumer against a specified agency can be investigated by the branch. In my view, and in the department's, regulation of these agencies cannot be justified at this time and this is why the recent amendments to the Land and Business Agents Act contained no such provisions.

AUDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3088.)

The Hon. R. C. DeGARIS: This Bill widens the scope of the Auditor-General's powers to include investigations into the efficiency of public authorities and certain organisations which expend public moneys. The first question which must be asked is whether the Auditor-General is the correct person to undertake the scrutiny that is anticipated in the Bill. In her speech yesterday, the Hon. Miss Levy pointed out that the Commonwealth Auditor-General has had power to report on the efficiency of expenditure of public moneys for very many years. As she quite rightly pointed out, the powers in the Commonwealth Act do not go as far as the powers contained in this Bill.

There is a marked difference between the traditional role of an auditor and the role of a person or a committee charged with the responsibility of reporting on the efficiency with which money is expended. The efficiency with which money is expended can cut across policy matters that, in my opinion, should not involve the Auditor-General. For example, a statutory authority may be granted public moneys to fulfil a certain function or to carry out a certain programme. As far as the expenditure of public moneys is concerned, the Auditor-General already reports to Parliament, in most cases, on all Government departments and most statutory authorities. I pose the question whether the Auditor-General's role should go any further than that. If it is to go further, how much further should it go? Should the Auditor-General report on whether the programme itself should be continued or whether the authority itself is the correct authority to undertake a particular programme?

It may be that the proposals in the Bill do not go as far as I have suggested, but if one reads the Bill it is possible to make the interpretation that it does go that far. If the powers granted in the Bill fall short of an assessment of the efficiency of the programme perhaps the increased powers for efficient reporting by the Auditor-General may be acceptable in certain clearly defined areas of activity. What does the Government anticipate from the proposal contained in this Bill?

My second point relates to the organisations to which the amendment could be directed. Once again, the Hon. Miss Levy gave a long list of bodies and organisations which are caught by this amendment. I think that most members of the Council would be uneasy that this very wide power was contemplated by the Government. The Hon. Miss Levy referred to the outcry some years ago when the then Government put forward amendments to the Associations Incorporation Act. Some of the comments made then were most critical of the proposals contained in that Bill. I point out that, as one reads this Bill, the powers go further than were anticipated in the Bill that was so roundly criticised some years ago.

A department, instrumentality or agency of the Government or of the Crown or any body that the Auditor-General is required by law to audit or any body that has received financial assistance by way of grant or loan out of public moneys is an extremely wide net to cast. At this stage I will deal with the general question of authorities and other groups which on previous occasions I have defined as the interstitial groups, that is, groups which are not statutory authorities or Government departments but which have responsibility for expending large sums of public moneys.

One of the most remarkable developments of the twentieth century has been the growth of statutory authorities and a second identifiable group defined by Hague, MacKenzie and Barker in their book *Public Policy and Private Interests—The Institutions of Compromise* as the interstitial organisations. If we use the term interstitial organisation, one can see that this Bill is directed against them. In the nineteenth century the movement was towards departmental control and public accountability headed by a Minister, financed and staffed by an integrated central budgetary system. As far as Parliament is concerned, one could say that the nineteenth century was the democratising period, with the use of local government controlled by elected representatives playing its part in the process. Many writers refer to the late nineteenth century and early twentieth century as the golden age of Ministerial responsibility.

The history of the British P.A.C. in the 1860s is clearly linked with this democratising process. In the early twentieth century Governments began involving themselves in the field of large scale business operations—a field different from the range of functions generally accepted as Government responsibilities in the nineteenth century. A number of these developments in Australia occurred in communi-

cations through Australia Post and Telecom and in the almost total involvement of Government in hospitals, whereas a few years ago there was a very small involvement. I refer to the Government's involvement in transport, rail, air, and so on; power generation, distribution, electricity, gas, and so on; the list goes on. There has been a gathering interest by the Government in areas of activity that, in the nineteenth century, the Government played no paticular part in whatsoever. From this initial particular interest in supplying these services, the Government began using statutory authorities for that purpose. Then came the next step, what I have pointed out as being defined as 'interstitial' groups, that is, groups of people or organisations that are not in the general category of being statutory authorities, and which also expend and use large sums of public moneys.

There are a great number of these groups, and the Hon. Anne Levy has, in her speech, mentioned some of them. These groups include such organisations as the S.A.J.C., the Family Planning Association, Red Cross, womens shelters, school committees, church committees, and so the list goes on. Therefore, the Government is developing this new group which does not fall into the category of being a Government department or a statutory authority, but these groups are responsible for expending large sums of public money and there is no accountability as far as the expenditure of that money is concerned to the Parliament, which is the ultimate point of accountability. In this sort of category one must also consider companies which have been assisted either by grant or loan or the taking of shares in a company by S.A.I.D.C. There are a number of business organisations that have been assisted by grant or loan or guarantee by the Treasurer. The whole question of definition of statutory authorities has been complicated by developments which have been described by some writers as the privatisation of public expenditure. That, of course, is a direct reference to this newly developing group which I have labelled as the interstitial group.

If one looks at the Bill one can see that the new section 41b can touch upon some extremely sensitive areas and, when one considers that in his efficiency audit the Auditor-General must report to Parliament, it adds very much to the degree of that sensitivity. It is necessary, in my opinion, that not only statutory authorities but many of these organisations, to which I have referred as the interstitial group, should be more accountable and should justify not only the efficiency of their operation but also the programme they have been charged with to fulfil, and whether that organisation is the best organisation to fulfil the role allotted to it. I do not think there would be very much disagreement with that in this particular Chamber from any honourable member.

I do not believe that the Auditor-General is the correct authority to carry out this function although as with the P.A.C. the Auditor-General must always be part of the investigative process. It is interesting to note in passing that the Auditor-General was established in this State and made responsible directly to Parliament, whereas in the United Kingdom the Public Accounts Committee was established by Parliament before the office of Auditor-General and the Auditor-General was virtually established to assist the public inquiries of the Public Accounts Committee.

This arrangement appears to be a much more satisfactory way of handling the situation but it is necessary that there be a widening of the powers and a changing of the function of the Public Accounts Committee or the establishment of a high powered and well staffed Parliamentary committee, to handle the question of statutory authorities and the interstitial groups that I have mentioned. In the Senate the Standing Orders require the establishment of standing committees to cover many areas of Government activity. The administration and efficiency of both statutory authorities and interstitial groups have been placed under scrutiny by one of these standing committees.

Those who have been interested in this question no doubt will have read the reports of the Rae Committee which has already done some excellent work to bring greater accountability of these bodies to the Parliament, or under the scrutiny of a Parliamentary committee. I do not think the Bill before us does go as far in permitting such an 'in depth' study of the role and function of these bodies as is capable of being undertaken by the established standing committees in the Senate but, as I have mentioned previously, it may do so. The speech made by the Hon. Anne Levy supports generally the views I have expressed here. I should say that what I have said supports the views of the Hon. Anne Levy. I believe that the Chamber—

The Hon. Anne Levy: Don't make the association too close.

The Hon. R. C. DeGARIS: The Hon. Anne Levy and I do not agree on a number of matters, but I will say that, when we do agree, we must be right. The Council needs to examine very carefully the scope covered by the proposed new section 41b. I emphasise again that there is a need for greater accountability. I do not think that the Hon. Anne Levy or anyone else in this Chamber would disagree with that particular contention.

There is a need for greater accountability in the expenditure of public moneys irrespective of who expends that money, and that accountability must eventually be to the Parliament. Therefore, the correct way to approach the question is to establish a Parliamentary committee with sufficient powers to undertake this sort of work or to expand the scope of the Public Accounts Committee to be able to undertake this sort of scrutiny. I think it is necessary also that in this area a Parliamentary committee would need to realise that in its work some of the inquiries would need to be confidential to that committee.

I have faith in honourable members, irrespective of the Party from which they come, that this is achievable. With this in view I believe the Government should consider making its position clear as to the reasons behind new section 41b, and the Parliament should express its view quite clearly that it is in favour of greater accountability in the expenditure and use of public moneys but that accountability needs to take into account the fundamental role of the Parliament as the ultimate point of accountability, not only for statutory authorities, interstitial groups and Government departments, but Ministers as well. I support the second reading.

The Hon. D. H. LAIDLAW: I am well aware that two is company and three is a crowd but, at the risk of spoiling everything, I wish to join with the Hon. Anne Levy and the Hon. Mr DeGaris in expressing some disquiet at the threat which new section 41b presents as it is as drafted. I wish to speak briefly regarding its effect upon companies which have received assistance through the Department of Trade and Industry, in respect to the Establishment Payments Scheme, the Motor Vehicles Assistance Scheme, and also the Housing Trust for the building of factories.

This section would give to the Auditor-General the power to investigate, and the Treasurer in another place has said that it would apply only to bodies that received grants in excess of $50 000 and that the investigation has to be made within two years of their receiving the grant. Nevertheless, there are many companies that I can think of that the Industries Development Committee has recommended for receiving grants or loans in excess of $50 000. For many years past, irrespective of what Party has been in Government, the Department of Trade and Industry (or whatever

its former name) has tried hard to attract industry, be it secondary and now tertiary, to this State.

I imagine that a number of organisations, especially those that wish to expand or to start anew in South Australia, and which have a novel project to use or to sell, would be highly sceptical if they were told that, if they received this grant or loan at any time during the next two years, then they would be investigated with respect to their efficiency or whether their operation is economic.

Anyway, without this new section, the Minister who administers this particular scheme could well impose conditions when granting a loan or making a grant which would enable the investigators in each department to ascertain whether that loan or grant is being properly used. Certainly, under the establishment payments scheme applicants who satisfy the criteria of starting something which is new and which will employ more people are given 3 per cent of the value of the capital expenditure, 30 per cent over a period of three months in the first year, of the wages of employees, and any other specific amounts that may be allocated.

The officers of the Department of Trade and Industry are obliged to ascertain whether that capital expenditure has been made and whether, during the 12-month period, new employees have been engaged and are still employed. The point that I am trying to make is that I recognise that it is desirable to investigate the way in which certain organisations use the moneys that are granted or lent to them, but this clause, as drafted, is far too broad. Therefore, for the reasons I have given, I intend to support the Hon. Miss Levy's amendment.

The Hon. B. A. CHATTERTON: Like other speakers, I have a somewhat ambivalent attitude towards this Bill. Other speakers have concentrated their debate on the extension of the Auditor-General's powers to private organisations. I have some worries about the way in which the Bill will be used in terms of the Government itself. Obviously, improved efficiency of expenditure of funds is desirable and is a sort of motherhood statement that everyone has to support, but there are also considerable costs associated with carrying out those audits in regard to efficiency and the like, and in many cases those costs outweigh the improvements that an efficiency audit seeks to achieve.

I would like to give examples of how the operations of the Auditor-General and efficiency audits in practical applications can result in nightmares at times. The first example relates to the Commonwealth Audit Act on which, as the Hon. Miss Levy has pointed out, this amendment is modelled. The Commonwealth Auditor-General has recently criticised the Customs Department for being careless in the way in which it raises its revenue. The department has, in response to this request from the Commonwealth Auditor-General, changed its procedures. The Auditor-General referred to a situation where wineries collect spirits from distilleries for use in the fortification of ports, sherries and other fortified wines. When they collect that spirit, they use it for those purposes and there is no excise collected on it: it is not an excisable product. The Auditor-General said that that was careless, that the Customs Department was not looking after the Government's revenues. The Customs Department was asked what would happen if these people defaulted and used that spirit for brandy-making or for some other product that was excisable. The response was that such producers would be prosecuted and the excise recovered. The Auditor-General wanted to be more convinced and wanted further security. He said that producers could go bankrupt, and the procedure that has now been developed is that wineries have to provide guarantees to the Customs Department for the amount excisable that would apply on the spirit which they do not normally pay at all and which provides a long and cumbersome procedure that has to be gone through by a large number of private concerns.

Of course, the Customs Department also has to go through and check all these things as well. Here we have further efficiency audits, but the cost of the whole operation outweighs any savings or anything that the Government might gain from this particular exercise. The final part of the exercise is particularly discriminatory, because it was realised that to get guarantees from large wineries would be impractical and a system was devised whereby the amount of guarantee that had to be provided was the amount of excise that would have been paid if all the spirits were used for some other purpose, or $20 000, whichever was the lesser amount.

For small wineries the amount would be considerable, but for large wineries the amount that they had to provide in the way of guarantees was negligible. In terms of cost to the community and the industry in providing all these guarantees, it is considerable. The cost to the Government is considerable, and no-one has been able to prove that there are any benefits at all. That is the first example of audit provisions going haywire and providing these checks for the sake of the checks themselves.

The other example is a situation that we have at the State level where State departments are already being asked to provide more detailed auditing, project budgeting, reviewing of resources, and their management. I refer to Circular No. 60 from the South Australian Department of Agriculture on the subject of extension planning and registration of projects. The circular states:

> In line with the recently introduced project budgeting system and the review mechanism for resource management now operating in SAGRIC, the extension management committee has reviewed and updated the system of planning, approval and registration of extension activities that operated during the 1970s.

This is the sort of jargonese in which it is always written. The circular continues:

> An important aspect has been the development of a closer alignment of extension and research planning and management.

The purpose of this circular is to get all extension workers in the department to go through a long and cumbersome procession of planning, approving and registering all their extension operations before they implement them. One has to know, if one wants to do anything in regard to providing an extension planned for farmers, that one must first plan the operation, have it approved and registered and then implement it. But one should then not think that the problems are over, because on the rear of this circular one finds that one must then evaluate and report on the project afterwards. One must go through a process of six separate stages, yet only one is the stage of implementation.

I think that, in those circumstances, more than half of the cost of that programme will go in this operation of evaluation, reporting and reviewing. Probably only half the resource will go into what we are interested in, namely, the implementation of the programme. Programmes have been defined as major projects that do not really seem to me to be so very large. They are those consisting of more than 20 days or $200, so virtually every project would, under that criterion, be a major project but an officer of the Department of Agriculture should not think that he is getting out of it if the figures are below that line, because even if the project is a minor one, it still has to be documented and approved.

Nothing is said about evaluation upwards of a minor project. I think this is a good example of how we can carry this efficiency proposition too far. We can spend more money ensuring that money is spent efficiently than the amount of money spent doing the job. The reaction of the people in the Department of Agriculture to whom I have

spoken is one of complete frustration. Their attitude is that they are paid anyway, and why should they go through all this hassle. They see themselves fitting into the ordinary day-to-day activities of the department where they do not have to go through the whole rigmarole of planning, approval, registration, evaluation, and reporting. The officers are going to make sure that all their activities are outside the operation of this circular.

This seems to me to defeat the whole purpose of the exercise. The officers will make sure that they keep such a low profile that they are not caught up in this way. One cannot blame them for that, because they see themselves as extension workers, people who advise farmers on useful activities. They do not see themselves as pushing around pieces of paper that they cannot see any people making useful decisions from. I think that the exercise will be self-defeating and will not effect any improvement in expenditure of Government funds. It is possible that it will reduce the operations of the department.

Extension officers to whom this circular is directed will not carry out these extension programmes and the farmers, those for whom the programmes were designed, will suffer. I raise this point because it is often considered that we cannot have enough efficiency auditing. I think that, if we spend more on that than on implementation, the costs will outweigh the benefits. We have examples of that happening and I think the Government ought to be careful that it does not go too far in introducing efficiency auditing in every area. As I have said, I have an ambivalent attitude. I think the Bill has some good points and some bad ones.

The Hon. C. M. HILL (Minister of Local Government): I thank members on both sides for contributing to this debate. Because there has been some criticism from both sides regarding the measure, I think I should, on the Government's behalf, press a little further the point that the Government believes that all forms of waste and inefficiency that may be occurring in departments, instrumentalities, or agencies of the Crown, in any other groups over which the Auditor-General has power, or in some other groups where public money has been expended, ought to be looked at very carefully, because surely we must all agree that any waste and inefficiency should not go unreported. I hope all members agree that, in circumstances such as those, Governments have a clear duty to try, through the auditing process, to prevent such waste.

The Hon. B. A. Chatterton: Do you think it's worth spending $1 000 to catch up with $100?

The Hon. C. M. HILL: I listened to the point that sometimes costs outweigh the benefit, but that is very arguable. I am not considering a situation where enormous costs may be incurred to track down a minimal amount, but one cannot allow costs to be an overriding factor when there is a need for properly-organised efficiency auditing. If we adopted that alone as the criterion, the position would verge on the ridiculous. In his second reading explanation, the Attorney-General stressed that the Government proposed that the Auditor-General should be given this extra power to investigate public authorities (and these are the ones about which serious queries have been raised by members) in regard to use of public funds, and the Government believes that the Auditor-General ought to be in a position to provide an opinion as to whether those operations are being conducted on an economical basis and in an efficient manner.

The Government certainly did not envisage the end of the world as I imagine the Hon. Miss Levy forecast yesterday. I did not hear her mention the checks and balances in this measure. Regulations must follow the passing of the Bill and those regulations will fix the actual sum that will provide the ceiling above which such investigations can be instigated.

The Hon. Anne Levy: Set a floor, not a ceiling.

The Hon. C. M. HILL: Well, they set a floor. If the regulations are brought down, they have to run the gauntlet of challenge in either House. If they fix a level that is relatively high, I think all the groups whose cause the Hon. Miss Levy took up have nothing to worry about, because they will not be included.

The Hon. Anne Levy: What floor are you proposing?

The Hon. C. M. HILL: That is a matter of regulation. Regulations cannot be brought in by the back door.

The Hon. Anne Levy: The Premier suggested $50 000.

The Hon. C. M. HILL: I am not suggesting a figure and I am debating in this Council, not in the other place. I am not suggesting any figure. The honourable member should not worry about the figure. She will have an opportunity to peruse the regulations. If members do not agree with them, they can reject them. What I am stressing is that the Government has provided that check, so that it is possible that all the fears expressed by the Hon. Miss Levy may not come to fruition.

The second check which the Government wrote into the Bill is that the Treasurer must give his approval before the Auditor-General can conduct any investigation referred to in the relevant provision.

The Hon. Anne Levy: The Treasurer is part of the Government, is he not?

The Hon. C. M. HILL: Yes, but I hope the honourable member will admit that Treasurers are responsible members of Government—senior members of Government. I do not know of any Treasurer whom I would fear to the extent that he would give *carte blanche* approval for investigations without considering the proposals fully. It is a means by which (and it is not an open door) this whole matter can be pursued.

I simply want to make the point that the Government is endeavouring to improve general efficiency within the Public Service and in institutions where public funds have been expended. We have even taken a third measure in that, as stated in the Bill, if two years has expired since such money was last received, then that would be outside the provisions of the new Act and an investigation could not take place in that instance. Therefore, already there are three checks and balances in the measure which do, I think in some respects, temper the views that the Hon. Miss Levy expressed yesterday. However, as I interpreted the addresses that have been made, members on both sides of the Chamber support the second reading, and I am grateful for that.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Efficiency investigations.'

The Hon. ANNE LEVY: I move:

Page 2, lines 12 and 13—Leave out the words 'and Certain Organisations to which Public Moneys are Provided'.

My other amendments are consequential to this one and if it is defeated I will not proceed with the others. I gather conversely that, if the amendment is accepted, no objection will be taken to the others. The amendment, as I stated, refers to the ability of the Auditor-General to carry out efficiency audits of private organisations. We have stated our objection to this procedure and consequently moved to delete those words from the Bill.

The Hon. C. M. HILL: I indicated a few moments ago that I did not think that the fears that the Hon. Miss Levy stated yesterday were as serious as she made them out to be. I pointed out that there are some checks and balances in the legislation. I endeavoured to stress that the overall purpose was to avoid waste where public money is concerned.

That, of course, is an ideal that I hope everyone in the Council pursues. Of course, if there is a possibility of increasing the efficiency and improving the economic operations of institutions, departments and groups which come within this new Bill I would hope that the Council would favour some opportunity for the Government to at some stage, or at least the Auditor-General at some stage, to initiate inquiries. Of course, in the area of the particular amendment, the Auditor-General cannot initiate such an inquiry without the consent of the Minister.

If the Bill passed in its present form, nothing would happen in this area of groups that have received public money within the previous two years until such time as regulations came down and were approved by Parliament. If those regulations did fix a higher floor level of funding, then I would think that all of the groups to which the Hon. Miss Levy referred would not actually be included in the legislation. If the regulations fixed a sum which, in the opinion of Parliament, was too low, then certainly that could be rejected. In view of the fact that these checks are in the Bill, I ask the Hon. Miss Levy whether she would perhaps reconsider pursuing this matter because I can assure her that the Government will be very careful regarding the preparation of its regulations. I can also assure her that the Treasurer will exercise a great deal of caution before he ever gives consent for the Auditor-General to proceed in this new area. I ask her to take further account of the fact that the two-year period is something of a safety valve in the general area of this legislation.

The Hon. ANNE LEVY: I have no intention whatever of not proceeding with this amendment. I appreciate that the Treasurer may behave responsibly, but it seems to me that if in a particular situation the Treasurer feels that an inquiry is justified he can always set up a special inquiry or Royal Commission—whatever procedure is felt desirable in extreme situations. It is most undesirable and unreasonable to have this sword of Damocles hanging over the head of all private organisations in receipt of Government money. If an extreme situation arises, I am sure the Government will cope in whatever manner is desirable, in view of the fact that public moneys are involved. However, this sword of Damocles is not necessary and I have no intention of withdrawing my amendment.

The Hon. C. M. HILL: I am very disappointed with the Hon. Miss Levy. Before moving her amendment, I thought she had given full consideration to the points contained in the Bill, which should have tempered the strength of her submission. However, the Government respects this Chamber as a House of Review. We have heard members on both sides query this aspect and, as a result, I do not intend to call a division.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 2—

After line 17—insert the word 'or'.

Lines 20 to 27—Leave out these lines.

Line 28—Leave out the words 'Subject to subsection (3) the' and substitute 'The'.

Lines 37 to 40—Leave out these lines.

These amendments are consequential on my first amendment.

Amendments carried; clause as amended passed.

Remaining clauses (9 to 12) and title passed.

Bill reported with amendments; Committee's report adopted.

COLLECTIONS FOR CHARITABLE PURPOSES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3088.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, although not with any great enthusiasm because, after all, it is a very trivial matter. Apparently, an advisory committee reports to the Minister on the question of collections for charitable purposes. The Government has decided that that committee no longer serves a useful function. Investigations made by the Opposition to date certainly bear that out. All the work performed by this committee is already done by the department. The committee meets a couple of times a year and rubber-stamps any decisions taken by the Chief Secretary's Department. It is not a committee that appears to warrant any time or expense. In his second reading explanation it is interesting to note that the Minister said:

> The Government's policy is to abolish statutory authorities where no substantial justification for their continued existence can be demonstrated.

That is a very worthy sentiment. No member on this side would want to persist with a statutory authority that is no longer necessary. However, we should look at the Government's record in this area. A Question on Notice asked by Mr Millhouse in another place was reported in the press last week. In his reply, the Minister said that the Government had abolished 12 statutory authorities since it came to office. That is not a bad record. However, Mr Millhouse, being the gentleman that he is, wanted to know about the other side of the coin and asked how many statutory authorities had been set up by this Government. From memory, I think the number was 13.

The Government has abolished 12 statutory authorities, but it has set up 13 others in their place. I suppose that, if the Government was in office long enough, we would see the establishment of more and more statutory authorities. This measure has been on the Notice Paper in another place for five months. Any urgency to abolish this committee certainly has not been explained by the Government. No reasonable explanation was given in another place.

With those few words, the Opposition supports the Bill. We do not believe it is of any significance whatsoever. Over the past two years I have given many examples of legislative padding by the Government to expand the Notice Paper and give an appearance that the Government has a legislative programme. Of course, that is not true. I recommend that the Council support the Bill.

Bill read a second time and taken through Committee without amendment; Committee's report adopted.

CORRECTIONAL SERVICES BILL

In Committee.

(Continued from 24 February. Page 3072.)

Clause 4—'Interpretation.'

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

Page 2—After line 21 insert new definition as follows:

'"Aboriginal" means a person who is descended from those who inhabited Australia prior to colonisation:'

This amendment is to insert a definition of 'Aboriginal' and is necessary because later in the Bill I intend to move that there should be an Aboriginal member of the Correctional Services Advisory Council and also the Parole Board. In relation to both of those bodies, the Bill provides that at least one of the members must be a woman. The argument of the Opposition is that one member also, as of right,

should be an Aboriginal. In debating this amendment, which deals with the insertion of a definition, I am, in effect, debating the principle both in relation to the Correctional Services Advisory Council and the Parole Board, that there should be an Aboriginal on both bodies.

This matter has been canvassed in the Chamber on previous occasions. There is no doubt that Aborigines are represented in the prison population in South Australia out of all proportion to their numbers in the community. The Aboriginal population in South Australia is .75 per cent. In 1972, it was estimated by the Mitchell Committee that in Yatala, 9.41 per cent of the inmates were Aborigines, in Adelaide Gaol, 7.39 per cent were Aborigines; in Cadell, 12.8 per cent were Aborigines; and in Port Augusta Gaol, 46.6 per cent were Aborigines. The total average of Aboriginals in prisons at that time was 15.3 per cent.

The information I have indicates that that figure has not in any way come down. In the recent reports of the Office of Crime Statistics the indication is that in any three-monthly period about 30 per cent of those people sentenced to prison by our courts are of Aboriginal descent. That clearly represents in the community a disproportionate number of Aborigines being sent to prison, and shows that there is a grave problem. If there is justification, as I believe there is, for ensuring the representation of at least one female on these bodies, then there is equal justification, if not a greater case, for the representation of an Aboriginal on those bodies. The Correctional Services Advisory Council, which is established to advise the Minister on all aspects of correctional services, and the Parole Board, are organisations—

The Hon. FRANK BLEVINS: Ms Acting Chairman, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. J. SUMNER: I was putting the argument that, if there is a case for a reserved position for women on both of those bodies, then there certainly is a case in our society for a reserved position for a person of Aboriginal descent. As I said, with a 15 per cent average of the prison population being Aborigines, it seems odd that the Government would not be prepared to accede to this request. It is probable that the percentage of the total prison population that is Aboriginals in excess of that which is female. Yet, the Government sees justification for placing women on those boards, but no justification for placing an Aboriginal on them. There is no doubt that Aboriginal people, in relation to the court and prison systems, do have particular problems as a result of different cultural and social backgrounds. To deny that—

The Hon. J. A. Carnie: What degree of blood would be necessary?

The Hon. C. J. SUMNER: The definition in the amendment is that 'Aboriginal' means a person who is descended from those who inhabited Australia prior to colonisation. Therefore, it would include anyone of Aboriginal descent, part or otherwise.

The Hon. J. A. Carnie: It could be down to very—

The Hon. C. J. SUMNER: It could conceivably, but who is appointed ultimately will be a matter for the Government to determine. The principle is worth pursuing. I repeat that there is no question in our community that Aborigines, when confronted with the judicial and penal systems, do have added problems because of different cultural and social factors. The fact that Aborigines are so grossly and disproportionately represented in our prison population ought to lead the Government to accept this amendment, especially having regard to its provision for a woman on these boards. The Government should be willing to see the wisdom of that, from its own point of view. If the Government is to get, particularly on the Correctional Services Advisory Council, good advice in this area, then the addition of a person who is of Aboriginal descent can only enhance the quality of that advisory council and enhance the quality of decisions of the Parole Board.

The Hon. C. M. HILL: I can understand the Leader's view in regard to this matter. The Government is faced with the problem of where one stops or starts in regard to discrimination in this way. People from other racial backgrounds are in gaols, and they could well seek a representative.

The Hon. C. J. Sumner: That's ludicrous.

The Hon. C. M. HILL: It is not absolute nonsense at all. The Government has gone as far as putting in the legislation that one member of the advisory council and one member of the Parole Board shall be a woman. The Government has done that because honourable members know that the Government likes to answer a general public call for assurances that women are given opportunities on boards of all kinds, and that is there as some token gesture that it is intended, without any doubt at all, to select at least one woman. The Leader also seeks to ensure that there must be an Aboriginal on these two bodies. He must admit that the approach that he is trying to achieve is discriminatory because there are people of other racial backgrounds in prisons, and one could argue *ad infinitum* that the people mostly associated with prisoners, on racial and other grounds, should be on the advisory council.

The Minister really has only three choices. The Government wants the best people to serve on these organisations. That is our first requirement: the Government wants to choose the best people to provide the highest standard of service possible so that the advisory council and the Parole Board work to a maximum efficiency. Certainly, if the Chief Secretary or any subsequent Chief Secretary believes that there is an Aboriginal person who would serve well, such person will be given the same consideration as other possible candidates for appointment to the board.

I do not want it interpreted in any way that the Government believes that an Aboriginal could not serve well on this body. We have the highest respect for such people but, once we start laying down in legislation that one person shall come from one racial background and one shall come from another, then as legislators we should admit that we can get into all kinds of trouble. The Chief Secretary is a responsible Minister. All Chief Secretaries have been responsible Ministers, as will future Chief Secretaries, no matter from which Government they come. They, and the Government of the day, can be trusted to select people for the advisory council and the Parole Board. It is an unnecessary curb to lay down this requirement in legislation that one person should be from the Aboriginal race. For those reasons I oppose the amendment.

The Hon. J. E. DUNFORD: I support the appointment of an Aboriginal person on the advisory council.

The Hon. J. A. Carnie: Irrespective of ability?

The Hon. J. E. DUNFORD: In regard to ability, I do not believe that a person needs a university degree.

The Hon. J. A. Carnie: I said ability.

The Hon. J. E. DUNFORD: It could be that the people who are incarcerated in our gaols, often despite their lack of education, believe that they are able to come to grips with the problems in our penal system. In fact, I have gained much knowledge from visiting Adelaide Gaol and from two subsequent visits to Yatala. On those visits I found that discrimination against prisoners was bad. The method of having a visiting justice of the peace or some legal adviser to hear complaints from prisoners was not being used because in some cases prisoners were not equipped to put their case and believed it was just a kangaroo court.

I support the appointment of an Aboriginal person on the advisory council because of the high percentage per capita of Aborigines compared with whites or people from any other ethnic group who are in gaol. This is the result of discrimination against Aborigines in employment, or for the reason given by the Hon. Mr Carnie, because people accept that they have a lesser potential to inquire into things than white people. It is the attitude of most white people that the Aboriginal mentality is inferior to that of whites.

I have had the pleasure of working with Aborigines in the Far North, 200 km north of Cloncurry. I have worked with Aborigines for about 15 years and can assure the Committee that their learning from schooling was less than I was fortunate enough to have but, when it came to the games that one played in the bush, such as draughts, the situation was different. I can recall playing draughts in the Far North with an Aboriginal and, because I was skilled and because he did not know what I was doing, I could beat him easily in the first week. In the second week he played the way I did. I had to tell him that he could not do one thing or another, and he pointed out that I had been doing it the week before. Then we started to play the game straight, and on every occasion he was able to beat me at draughts—I did not play him any more. The Department of Correctional Services has a vested interest because Aborigines comprise a majority of those incarcerated. They are the ones who are victimised by the whites. History books show the treatment of Aborigines. It will be forever in our past and not to our credit.

I have much admiration for their ability, and I wish to give them the responsibility in this case. If the amendment was accepted by the Government, we could see whether they had the ability to do the things required by advisory council members. I believe, whether it is a Liberal Government or a Labor Government, that some people appointed to boards or councils—white people—are selected not because of their ability but because of services rendered, and I say that advisedly.

Are we going to emancipate the Aboriginal community in South Australia? We have a good record in the past—certainly the previous Government had an outstanding record. Last Friday I had lunch with John Moriarty, Director, Aboriginal Affairs in South Australia. John is a hard worker for the Aboriginal cause. This man has had just a little more opportunity; he was a fitter and turner and is now in this responsible position. We have not discussed this matter but we have discussed the question of giving more responsibility to Aborigines and giving Aborigines in our community more of a fair go.

The Hon. Mr Hill suggests that we cannot cater for all the ethnic people in our community, and he is correct in saying that we have people of too many different nationalities for the Government to cater for them all. But those people comprising ethnic communities with whom I have spoken certainly would congratulate any Government on giving Aborigines an opportunity to express, through the advisory council, their feelings in regard to the Department of Correctional Services.

Usually Aborigines are in prison for some misdemeanour. We have doctors who rob patients and live in mansions, and they never see the inside of a gaol. The white collar crime by white people is disgusting. The Aboriginal has no evil intent. His personality does not lend itself to violent crime or to dealing in drugs, yet that is part of the scene in the white community. The Aboriginal race is a fine one. The Hon. Mr Carnie is wrong in talking about education and ability. In the educational service, the people with education do not know what goes on.

The Hon. J. A. Carnie: Ability and education can be quite different things. A person can be very able without having an education.

The Hon. J. E. DUNFORD: I suggest that the Aboriginal people have more ability in relation to the Department of Correctional Services than the honourable member has. When I went to Yatala on the last occasion, Mr Stewart was there and he said to me 'What are you doing here?' I said that I was investigating a complaint and had been invited in by the Superintendent. I said that I had found that a prisoner was being victimised. Mr Stewart said, 'We don't want politicians here inquiring into the system.' I said that I would leave if he wished, that the Superintendent had let me in, and that I would take the matter up with the Chief Secretary. Then he insisted on my staying. When I left there, the prisoner that I was representing got out quickly, because he had been victimised by the system.

He would not go before the magistrate, because that is a walk-up start. I will not mention the prisoner's name but he got a message to me (he could not telephone me) saying that he was being victimised by the prison. He had been incarcerated for about 20 years. The Chief Security Officer had a dislike of him and told the Superintendent that this prisoner was transferred from Cadell because he was dealing in drugs there. When I spoke to the prisoner, he said that that was not the case. He said that, when a prisoner is transferred, the reason for the transfer is put in a large ledger.

The Superintendent let me look at the man's surname in the register and the words 'Too Cold', were written in. The man was transferred from an outside job to an inside job because the Superintendent had believed the Chief Security Officer without checking. When I approached the Superintendent, he told me exactly the same thing. I said that the book did not show that and that I had seen the book. He was prepared to take the word of the Chief Security Officer without checking the facts. As I have said, the man told me that he was let out a fortnight later.

If that kind of thing happens with white people, it will happen with Aborigines and the effect will be greater. If the Hon. Mr Hill is the fair man that he thinks he is and that some people suggest he is, he ought to reconsider this matter. If we are going to pretend that the Aborigines have any quality in society, we will give them a fair go. I plead with the Minister, because of the guilt that I feel on behalf of the rest of the people of white Australia, who have not had an opportunity to live and work with and to know Aborigines, to reconsider the matter.

The Hon. C. J. SUMNER: The Minister's attitude is completely inconsistent. He is picking out a particular group in the community to ensure their representation. The percentage of women in the prison population, I suspect, would be much less than the percentage of the Aboriginal population.

The Hon. J. E. Dunford: They have different accommodation, too.

The Hon. C. J. SUMNER: Yes. There is no question of any ethnic groups asking for, wanting, or being granted representation, because for other minority groups it does not exist. The figures that I have for ethnic groups show that the crime rate for them and the number of them in prison is lower than the proportion that those groups bear to the population. There is no question of ethnic groups requesting or demanding special representation. There is a particular problem in relation to Aborigines in the criminal system and the penal system. This is one way in which the Minister can ensure that he gets representation that takes into account the particular problem of that group in the community, given the quite disproportionate number in prison at present.

The Hon. C. M. HILL: I am prepared to admit that there is not a great deal in the argument but I simply stress that the Government is not of the view that the question of the Aborigines feeling inferior is pertinent. We never have believed that. We acknowledge that their abilities are equal to those of others. We simply take the pragmatic view that we want the Government of the day to choose the best possible way to run the advisory council, and the Parole Board.

The Government would prefer to keep its options open and choose people it thinks are the best possible to sit on the panels rather than be restricted any further than the Bill restricts as it is. If the Chief Secretary has in mind people who are Aborigines for these positions and thinks that these people will do the job better than others would do it, they will be chosen. We want the best possible people and we believe that legislation that does not restrict us is better than what is proposed.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 4 to 7 passed.

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

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

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

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

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

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

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

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

(b) visiting prisoners;

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

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

(e) any other appropriate purpose.

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

This amendment provides some guidelines as to the circumstances in which volunteers should be used, in what areas, and their control and direction. Basically, the amendment states that volunteers should not be used to perform any work which will displace a person who is being paid for performing that work, or where funds are available for the performance of that work. It further states that volunteers may be used for certain purposes and then specifies the purposes, which are assisting in the provision of information services for persons attending courts; visiting prisoners; befriending and supporting probationers or persons on parole; providing or assisting in the provision of facilities or services run for the benefit of probationers or persons released from prison; and any other appropriate purpose. It states further:

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

The Opposition firmly believes that there is a need for these guidelines. It is clear that in this area, as in a number of community welfare related areas, the use of volunteers has become a common practice and we have no objection to that. However, I think on previous Bills we have expressed the view, and one I think was the Community Welfare Act Amendment Bill, that where volunteers are used they should not be used in circumstances where they are putting people who are employed and paid out of work. They should, essentially, be a supplement and a supplement in certain areas only. I think we had a similar argument in relation to the use of volunteers in the Ethnic Affairs Commission Bill. I am not sure from memory what the result of that was, if it was raised. I certainly recall that it was raised in relation to the Community Welfare Act.

The Hon. Anne Levy: The Minister acccepted it.

The Hon. C. J. SUMNER: The Hon. Anne Levy provides useful information to the Council that the Minister on that occasion accepted that there should be some restriction, some guidelines on the use of volunteers, such as I have outlined. I think that the policy of the Government apparently has been when this issue has arisen in the past, perhaps in the ethnic affairs area (and I do not think an amendment was moved there—I think the Minister gave certain assurances), but certainly in the community welfare situation the Government apparently accepted the need for certain guidelines and indicated that its policy would be that volunteers would not replace paid persons. That, of course, is a sensible situation.

Where there is a need for skilled professional people who are employed by the Government, then that is what should happen. However, there is no question that volunteers can play an important role in this area, and we accept that. We believe that their work should be in terms of the guidelines contained in the amendment; also, that any volunteer who is being used should be subject to the direction of the department. I commend my amendment to the Committee.

The Hon. C. M. HILL: The Government does not want to clog up this legislation with too many restrictions and too many requirements in this relatively simple area of volunteers being introduced into the administration. Clause 8 states:

The Minister shall promote the use of volunteers in the administration of this Act to such extent as he thinks appropriate.

The Hon. J. E. Dunford: That doesn't mean much.

The Hon. C. M. HILL: It does. It means a great deal. It means that responsible Chief Secretaries will introduce volunteers into the administration and, hopefully, volunteers by their introduction will assist in this correctional services area. I am sure that this Committee supports that principle. Once we start giving further guidelines, checks and balances and narrowing it all down, where are we going to finish? First, the honourable member put an amendment with regard to what the volunteers shall not do. Then he pursued that with a further addition on how the volunteers may be used. Then he subdivides that into five specific headings. Then, of course, he really puts the harness on volunteers when he says that a volunteer shall be subject to the control and direction of an officer of the department in performing any work as a volunteer under this Act.

The nature and spirit of volunteerism is so well defined in the public's mind that any attempt to frame such a definition in legislation would be to state the obvious. Clause 8 was accepted by the Opposition without amendment when the Offenders Probation Act was passed in June 1980. If it was acceptable to the Opposition then, why is it not acceptable now? I remind honourable members that the Chief Secretary gave an undertaking in another place that volunteers will certainly not replace professional staff. Volunteers will supplement the existing staff and will work

together as a team. Surely that is an honourable goal. Volunteers will be implemented in that spirit.

Sufficient safeguards already exist to ensure that the volunteer scheme in the department, either within the institution or within its field of services, will not be abused. For example, the Correctional Services Advisory Council, the body which will be independent of the department, has as its function 'to monitor and evaluate the administration of this Act'. The amendment is superfluous, because it is not a definite statement when one reads that particular section of the amendment. It merely gives examples of areas where volunteers may be used. Such examples would be more appropriate in a statement of the objectives of the Correctional Services Department.

In regard to the control and direction that the honourable member wishes to place on volunteers, that would inhibit active involvement in correctional rehabilitative programmes by other volunteer agencies by preventing or making unduly cumbersome free exchange of volunteer assistance. In conclusion, I strongly believe that the fears expressed by the Opposition can be dispelled. The Government simply wants to promote the use of volunteers. They will be used in such a way that there will be no conflict with the principles held by members opposite. An undertaking has been given that volunteers will not replace professional staff. We want volunteers to be part of a team in the best interests of the rehabilitative process.

The Hon. ANNE LEVY: I do not understand the Minister. It seems that he is in complete accord with the Opposition in relation to the function of volunteers. He has spelt out the use of volunteers in exactly the same terms as the Opposition's amendment. We agree with the use of volunteers in such situations and for such purposes as outlined by the Minister. Our amendment states that and nothing more. We had this same discussion when community welfare legislation was before this Council, because that legislation also contained provisions for the use of volunteers. On that occasion the Minister of Community Welfare agreed to accept the amendments, and they are now part of the Act.

The guidelines in the correctional services sphere are identical to the guidelines in the community welfare sphere. We agree as to the purpose of volunteers. Why does the Minister reject writing those guidelines into this Bill when the Minister of Community Welfare was quite happy to write an identical provision into community welfare legislation? It seems totally irrational when the purpose of volunteers is agreed. Why not write that purpose into the Bill? Why refuse this provision when it was accepted for community welfare legislation? The Minister is being totally unreasonable.

The Hon. G. L. BRUCE: The Minister said that this amendment is spelling out the obvious. What is wrong with spelling out the obvious?

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 9—'Annual report of permanent head.'

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

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

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

Clause 9 deals with the report from the Permanent Head to the Minister on the activities of the department. My amendment simply says that the Minister, as soon as is practicable after receipt of the report, shall cause a copy of the report to be laid before each House of Parliament. That seems to me to be an entirely reasonable proposition. I believe that this clause appears in a number of other Acts and allows Parliament in some minor way to get into the act. I find it difficult to see that the Government can have any objection to this amendment.

The Hon. C. M. HILL: The Chief Secretary in another place, when this matter was raised there, said that this amendment would be given further consideration in this Chamber. In the past it has not been provided for in the legislation, but it has been the Government's practice to print the report as a Parliamentary Paper. It is a departmental report to the Government and, therefore, we feel that the present practice need not be changed. However, as the honourable member said, it is a very fine point and I am prepared not to divide the Committee on it.

Amendment carried; clause as amended passed.

Clause 10—'Continuance of the advisory council.'

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

Page 4—

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

After line 28—Insert new paragraph as follows:

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

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

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

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

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

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

This clause deals with the Correctional Services Advisory Council, which is a new feature of this legislation, and the argument between the Government and the Opposition is about the membership of the council. I suggest that my amendment be considered as a test case, unless the Hon. Mr Milne has any specific amendments he wants to support in this clause, but he does not seem to be taking much interest in this legislation. I assume that he would be happy to go along with the first amendment that I move as being a test case.

The proposition of the Opposition is to increase the size of the council from six to eight members, to include a judge of the Supreme Court or a retired judge of the Supreme Court as the Chairman, to include one person selected by the Governor from persons nominated by the Chamber of Commerce and Industry and to include one person selected by the Governor from persons nominated by the United Trades and Labor Council. There is the further proposition that one of the members should be an Aboriginal. We have, in effect, argued and decided upon this matter previously.

The practice in this area has been in respect to the Parole Board, at least, for a judge of the Supreme Court to be Chairman of that board. The Opposition sees no real reason why a judge of the Supreme Court is not an appropriate person to chair such an advisory council. There will be on the advisory council, if the Government's proposition is accepted, no-one from the Judiciary. There may be someone from the legal profession, but there will be no-one from the Judiciary.

We believe that it is appropriate for the Chairman to be a judge of the Supreme Court, and accordingly that is the first change we wish to make. We also believe that there should be representation from the two industrial bodies in the State, the employer group (the Chamber of Commerce) and the employee group (the United Trades and Labor Council), because they have broad interests in the groups of which they are a part and would adequately represent the general community view in relation to correctional services.

The Government's option is to have one person nominated at large by the Attorney-General and three people nominated by the Chief Secretary. I believe that it is not undesirable to have representation from those two bodies, because that would ensure that there was broad representation from the community and that the community interest was represented on the Advisory Council. The Minister will no doubt argue that those interests will be represented by the people who are nominated by the Minister, but at least if the Chamber of Commerce and the United Trades and Labor Council are represented, we will be assured of representatives from the community who may not necessarily have specialist knowledge in the area. I believe it is important to have representatives who are not specialists, who are not already provided for, and who have what I call general community input.

That is one rationale behind the proposition: the second is that, in terms of rehabilitation of prisoners and their finding work subsequent to release from prison, it would be useful for the advisory council to have this representation. Further, regarding the clause relating to the use of volunteers, I believe that these two groups could have a useful input as to the guidelines under which volunteers would work. For those reasons, I commend the package of amendments to the Committee.

The Hon. C. M. HILL: The amendment that is sought would increase the size of the advisory council by two members; that is, from six to eight members. The Opposition has requested that these two members be from the Chamber of Commerce and the United Trades and the Labor Council. This provision was originally in the Prisons Act in respect of the Parole Board, but it was deleted in our amending Bill last February because it was not possible to get nominations from the Chamber of Commerce.

For this reason, reference to both the Chamber of Commerce and the United Trades and Labor Council was deleted, and in its place provision was made for nominations by the Minister. I believe that the same difficulties as were experienced with appointments to the Parole Board would be experienced in regard to appointments to the advisory council if the Committee agreed to the amendment. It is too restrictive. We have found that from our experience, and it is far better that the Minister not be tied down in choosing suitable people.

The Opposition has also requested that the Chairman of the advisory council be a judge of the Supreme Court or a retired judge of that court. In fact, the Chief Secretary has had discussions with the Chief Justice on this matter, and the Chief Justice is of the opinion that judges should not be chairpersons of administrative tribunals, because of their already excessive current work load. I would hope that members opposite would respect the opinion of the Chief Justice in this matter. The Opposition also requests the same provision in respect of the Chairman of the Parole Board, but we will come to that matter under a future amendment. Accordingly, I oppose the amendment.

Amendment negatived; clause passed.

Clauses 11 to 13 passed.

Clause 14—'Manner in which business of the advisory council must be conducted.'

The Hon. C. J. SUMNER: The amendment on file standing in my name was consequential on the previous amendment that was lost, and I withdraw this amendment.

Clause passed.

Clauses 15 to 19 passed.

Clause 20—'Duty of visiting tribunals to enter and inspect correctional institutions.'

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

Page 7, line 34—After 'for the purpose' insert 'upon the request of the Chief Secretary'.

This clause deals with visiting tribunals dealing with offences within institutions. Subclause (5) provides:

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

Creeping into this Bill is something that is really related to the peculiar problems of this Government and not related to what is desirable for the legislation. Although the responsible Minister will be the Chief Secretary, any investigation of a complaint or assistance for investigating a complaint by the tribunal is to be done on the authorisation of the Attorney-General, and the Chief Secretary plays no part.

The Hon. B. A. Chatterton: The Attorney is minding the Chief Secretary.

The Hon. C. J. SUMNER: Yes, the Attorney-General tries to mind the Chief Secretary.

The Hon. L. H. Davis: I thought this Bill was identical to the Labor Party's Bill?

The Hon. C. J. SUMNER: The Hon. Mr Davis is being inane as usual. At no stage did I say the Bill was identical to the Labor Party's Bill in all clauses. I referred to the majority of clauses. I said that it was almost identical to the Labor Party's Bill, and that is true.

The Hon. J. C. Burdett: You're changing your mind. You said it was identical.

The Hon. C. J. SUMNER: The Hon. Mr Burdett can continue his misrepresentations in this Chamber. We know what his record is in this place—it is appalling. In the past two weeks he has lied to the Chamber on two separate occasions and now we have the Attorney getting into the act as well.

The PRESIDENT: Order! I call the Leader back to his amendment.

The Hon. C. J. SUMNER: The fact is that what I said about this Bill in the second reading debate was that it was almost identical to the Labor Party's Bill, and it is. Any idiot could read it and see that it is not identical in all its particulars; even the Hon. Mr Burdett could work that out for himself. It is certainly similar and many of the clauses are identical—in fact, the majority. The clause under consideration happens to be one that is not.

Quite simply, the point I am making is that, as the Chief Secretary is responsible for the administration of this Act, he should have some say in whether a visiting tribunal is to have assistance from a person in carrying out certain investigations. Therefore, the amendment merely provides that the Attorney-General can authorise a person to assist the tribunal following a request from the Chief Secretary, so that at least the Chief Secretary is advised and knows what investigations are being carried out by the visiting tribunal.

The Hon. C. M. HILL: The amendment seeks to provide that a visiting tribunal cannot seek the services of an independent investigator from the Attorney-General's Department unless the Chief Secretary requests it. Clearly, this is not satisfactory.

The Hon. C. J. Sumner: Why not?

The Hon. C. M. HILL: A visiting tribunal will be making regular visits to the institutions, and the magistrate or the two justices of the peace should be able to judge for

themselves whether an investigator's assistance is required. It is an administrative process and progress would be slowed down considerably if the Chief Secretary had to make every decision in respect of whether the services of an investigator were required. The amendment is totally impractical. Surely the visiting tribunal must have some discretionary powers.

Amendment negatived; clause passed.

Clause 21 passed.

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

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

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

Clause 22 deals with who has the responsibility for assigning prisoners to correctional institutions and it provides that a person who is remanded in custody awaiting trial or sentence shall be detained in such correctional institution as the permanent head may determine. My amendment provides that the court may make the direction concerning the institution to which a person may go. The argument is quite simple, namely, that until finally dealt with the offender is still before the court. The alleged offender is on remand and so the court, if it wishes, should have some say in where the person is to be placed. The general proposition would be that the permanent head would decide where the person on remand was to go, but if a court felt, after hearing certain submissions from counsel or on behalf of the defendant, that a defendant should go to some other institution, that power would exist for the court to overrule the decision of the permanent head.

The Hon. C. M. HILL: It is not appropriate for the court to assign prisoners to correctional institutions. It is far better that this responsibility remain with the Permanent Head. The department has an assessment committee and a classification committee and therefore the department is in the position—

The Hon. B. A. Chatterton: That is after sentencing, is it not? The Hon. C. J. Sumner is talking about remand.

The Hon. C. M. HILL: The provision concerns the assigning of prisoners to a correctional institution and the amendment seeks to give the court power to assign prisoners to a correctional institution.

The Hon. C. J. Sumner: If they are on remand.

The Hon. C. M. HILL: The explanation I have about this matter states that the department has an assessment committee and a classifications committee, and therefore the department is in a position to determine an inmate's security classification and where that person will be best employed, taking into account that person's skill and job opportunities.

The Hon. C. J. SUMNER: With due respect to the Minister, that is not a satisfactory explanation; I do not know who provided him with his notes. The argument I put forward related to prisoners on remand. It did not relate to prisoners who have received their final sentence. I will read the provision if the Minister is confused about it. Subclause (1) provides:

A person who is remanded in custody awaiting trial or sentence shall be detained in such correctional institution as the permanent head may determine.

The amendment provides that the prisoner shall be detained in such correctional institution as the court may direct or, in the absence of any such direction, as the permanent head may determine. That gives the court, while the prisoner is still before it, overriding authority.

One would imagine that in the majority of cases the permanent head would still determine into which institution the remand prisoner was to go. However, there may be peculiar circumstances in which the court would want to intervene. The basic argument, I think, is a sensible one. Once a person has received a final sentence he is then really outside the control of the courts, but while he is on remand he is still before the court. I think the courts ought to have, in that situation, some say in where he is remanded, if they so desire. It is a simple proposition; there is nothing particularly dramatic or sinister about it. I find the Government's attitude a little odd.

The Hon. C. M. HILL: I was, of course, referring to the situation where people have been sentenced. That is dealt with in clause 22 (2). Of course, with regard to the remand question, the new remand centre will take care of that matter, anyway.

The Hon. C. J. SUMNER: That is irrelevant and an unacceptable explanation.

The Hon. Anne Levy: Women won't go to the new remand centre.

The Hon. C. J. SUMNER: The Hon. Anne Levy points out that, apparently, women will not go to the new remand centre. Because there is a remand centre, that does not mean that remand prisoners will automatically find themselves in that centre. There is nothing in the Act which says that, if a prisoner is on remand, he must be placed in the remand centre.

The Hon. Anne Levy: If a woman's in Port Lincoln gaol, it's a bit difficult for her to be put in the remand centre.

The Hon. C. J. SUMNER: True. I think, in principle, the proposition I am putting is quite reasonable. It basically leaves it up to the department's permanent head, I would think as a matter of practice, but gives the court (because the prisoner is still effectively before it and still under its jurisdiction) overriding control.

The Hon. C. M. HILL: I thought the honourable member would know a little more about this matter. The question is that the women are to go to the womens rehabilitation centre. The Hon. Miss Levy should know, if she has taken an interest in this matter, that there is no option but to go to the womens rehabilitation centre. Males on remand will go to the new remand centre.

The Hon. C. J. SUMNER: Can the Minister give the Committee an assurance that all male prisoners on remand will go to the remand centre?

The Hon. C. M. HILL: That is what I said and that is what I mean.

The Hon. ANNE LEVY: I cannot understand the Minister at all. He says that all women on remand have to go to the womens rehabilitation centre. Can he tell me under what legislation they have to go to that centre? Are women on remand in Port Lincoln or Mount Gambier brought to Adelaide to the womens rehabilitation centre? By what regulation or proclamation can he tell me that all women on remand go to the womens rehabilitation centre?

The Hon. C. M. HILL: My understanding is that they have no option at all.

The Hon. Anne Levy: Under what legislation?

The Hon. C. M. HILL: Just a moment. The position is that women go into the womens rehabilitation centres in any gaol; in other words, if they are arrested in Port Augusta and they are on remand, they go into the womens rehabilitation centre in that gaol. The same situation applies all over the State. That is the situation in regard to women in remand circumstances. As far as men are concerned at the moment—and I stress 'at the moment'—until the remand centre is built they go on remand into any gaol, except into Cadell.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, and K. L. Milne.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. K. T. Griffin.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the amendment to be further considered, I give my casting vote for the Ayes.

Amendment thus carried.

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

Page 9, line 35—Leave out 'fifteen days' and insert 'one month'.

This clause provides that, if a person is sentenced to a term of imprisonment exceeding 15 days, he will not be imprisoned in a police prison. I understand that certain places will be designated as police prisons and that, if the sentence is for a comparatively short term of imprisonment, it is satisfactory for that prisoner to be kept in a police prison. The original Bill, which was drafted before this Government came into office, suggested that, rather than a period of 15 days, one month would be more appropriate as the time within which a person could be held within a police prison.

Basically, this clause is designed to assist in situations where people are imprisoned in remote country areas for a comparatively short term of imprisonment. From the point of view of the authorities or from a prisoner's point of view there is little point in transferring prisoners to Adelaide or to one of the other major gaols. The Opposition believes, particularly in relation to Ceduna and Coober Pedy, for instance, that if a sentence of up to one month is to be served it is not inappropriate for such sentence to be served in a designated police prison. The alternative is that prisoners must be transferred and at some cost to the department. It is not only a financial cost, but also a cost in terms of inconvenience and disadvantage to the prisoners, because if they live in a remote area their families will be able to visit them if they can serve their sentence in the area. However, if they are transferred to Adelaide there would be less chance for them to have contact with their families. We believe that a more appropriate period would be one month rather than 15 days, as suggested by the Government.

The Hon. C. M. HILL: Fifteen days coincides with the maximum remand period. Police prisons are not designed to hold prisoners for any length of time. They are not as suitable as an institution because, for instance, no work is available. Therefore, it is impractical to accept the amendment. In relation to the point made about Coober Pedy and other remote areas, terms of imprisonment imposed in those areas are usually of only a few days duration. If a lengthy period of imprisonment is involved the prisoner is usually taken to Port Augusta.

The Hon. C. J. Sumner: What about Ceduna?

The Hon. C. M. HILL: I imagine the same situation would apply at Ceduna.

The Hon. C. J. SUMNER: That is the whole point of the amendment. Prisoners who receive a sentence of up to 15 days could be transported to Port Augusta. The purpose of the amendment is to allow prisoners to be held at places such as Coober Pedy or Ceduna for a period of up to one month. This proposal was contained in the Bill drawn up by the previous Government. I do not recall whether any objection was raised to a period of one month at that time. I do not find the Minister's reasoning particularly convincing, but I will listen if he wishes to have another go.

The Hon. C. M. HILL: Perhaps I can touch the right chord by referring to the problem facing the police. The police have a hard enough time performing their ordinary duties in places such as Coober Pedy and Ceduna without having to look after a number of prisoners in their police prisons. There are other institutions for that purpose.

The Hon. C. J. SUMNER: Regrettably, the Minister's explanation has not convinced me. I imagine that the number of prisoners involved in this category is not very great. If it is good enough to look after a prisoner for a period of 15 days in a police prison in a remote area, surely it could be extended to one month.

Amendment negatived.

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

After line 35—Insert new subclauses as follows:

(4) Subject to this Act, a person who is sentenced to a term of imprisonment of fourteen days or less may be imprisoned in an approved police station.

(5) The Governor may, by proclamation—

(a) declare a police station to be an approved police station for the purposes of this section; or

(b) vary or revoke a proclamation made under this section.

The amendment still has validity because the scheme envisaged in a series of amendments that the Opposition put forward was that there should be imprisonment in what might be called normal gaols, and, secondly, imprisonment in designated prisons. There is also a third category of imprisonment in an approved police station for a period of 14 days. Imprisonment in a police station can cover the situation of remote areas and give greater flexibility for holding prisoners who are in prison for comparatively short terms. The amendment still fits in with the overall scheme that the Opposition had in mind.

The Hon. C. M. HILL: The Government wants to get away from a situation in which a one-man police station has to put a prisoner in the actual police station gaol, because then that prisoner has to be cared for for 24 hours. The Government wants to move to a situation in which that kind of imprisonment is done away with and prisoners are held in police prisons and not police stations. The Bill before us is drawn up in that fashion. The Government does not want to go back and retain the previous practice, under the old Act, of having prisoners held at one-man police stations.

Amendment negatived; clause passed.

Clause 23—'The Prisoners Assessment Committee.'

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

Page 10, line 6—Leave out 'six' and insert 'three'.

This clause deals with the Prisoners Assessment Committee which is to be established and which will have the responsibility for determining at what institution a prisoner will be detained. The Government's proposition is that the assessment committee should make its recommendations in relation to prisoners who have been sentenced for periods exceeding six months, and that for periods under six months it is a matter of the sole discretion of the permanent head of the department.

The Opposition feels that six months is too long a sentence for it to be a matter dealt with by the permanent head. Six months is quite a long prison sentence, and we feel that the assessment committee should be involved in the allocation of prisoners for periods of three to six months. My amendment provides that the assessment committee does not become involved when a prisoner is sentenced for less than three months, but, if a prisoner is sentenced to a gaol term over three months, then that committee is involved. This amendment should commend itself to the Government. A prisoner detained for six months has a reasonably substantial term to serve in prison, and it may be that these prisoners would like their situation assessed by a panel of people, rather than its being left to the whim of the permanent head.

The Hon. C. M. HILL: The amendment seeks to have assessed prisoners serving sentences of imprisonment of more than three months. At present the practice is that only prisoners serving sentences of more than three months are assessed by the assessment committee. If the amendment were accepted, the number of prisoners who would need to

be assessed would double, and therefore the number of staff would need to be increased substantially to deal with the extra work. The present arrangements seem quite satisfactory and there appears to be no reason why they should vary.

The Hon. C. J. SUMNER: I am not sure whether the Minister made an error when he said that prisoners with gaol sentences in excess of three months would now be assessed, but that is certainly what he said. Did he mean six months or did he mean three months? Three months is what the Opposition proposes. If what he said is true, I cannot see why he is arguing about the proposition.

The Hon. C. M. HILL: I am sorry; I did make an error when I read my notes. Where I said, 'At present the practice is that only prisoners serving sentences of more than three months are assessed by the assessment committee', I should have said 'nine months' and not 'three months'.

The Hon. C. J. SUMNER: The argument I put loses none of its validity as a result of the response from the Minister. Three months seems to be an entirely reasonable period as a cut-off time for deciding whether prisoners are assessed and deciding to which institution they go. As I said, six months seems to me to be quite unreasonable; a six-month term of imprisonment is not a short sentence. I would think that, in view of the general reforming notions behind this Bill, a three-month period is quite reasonable.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. C. J. SUMNER: I do not intend to move my amendment on file to line 14. I move:

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

Subclause (5) provides that the permanent head shall carry out any recommendation of the assessment committee unless he is of the opinion that special reasons exist for not doing so. We believe that the Minister, who is ultimately responsible for the administration of the department and the Act, should have some responsibility in that area. Therefore, if the permanent head decides not to carry out any recommendations of the assessment committee, that decision should be concurred in by the Minister. I believe that this is consistent with the notion that the Minister is responsible to Parliament and to the people ultimately for the administration of the department.

This power should ultimately rest with the Minister, so that in general the assessment committee decision would be arrived at, but in some cases the permanent head may not agree and may decide that there are special reasons for varying the decision, in which case he should obtain the concurrence of the Minister.

The Hon. C. M. HILL: I urge the Committee not to agree with the amendment, as it interferes with an administrative Act that has been operating for a long time. It would cause unjustified hold-ups. For about the last 20 years the procedure proposed in the Bill has been followed. There have been assessment committees. They are not included in the legislation, but their reports have been dealt with administratively and there seems to be no need to bring the Minister into this kind of work.

The Hon. C. J. SUMNER: That is an unsatisfactory explanation. One can say that there has been a system in force for 20 years, but the whole purpose of this legislation was to update the system, revise it and reform it substantially. There should be a prime responsibility on the permanent head to accept the recommendations of an assessment committee. Its decisions ought to be abided by. There may be special circumstances where the permanent head cannot go along with that decision, and in those circumstances the Minister who is responsible should have some say in that decision and should be given the opportunity to consider the situation.

The Hon. C. M. HILL: I hope that the honourable member is not being mischievous and trying purposely to clog up the bureaucratic work of the department. There are about 20 of these decisions a week and there does not seem to be any need for the permanent head to run everyone of them to the Minister. The system has worked well and we do not want to clog up the works: we simply want to continue an existing satisfactory and proper practice.

The Hon. C. J. SUMNER: I am certainly not being mischievous in relation to this matter. The Minister knows that it is not my nature to do that, particularly in relation to such a serious matter. Of the 20 decisions a week considered by the assessment committee, how many are queried by the permanent head overruling the assessment committee's decision?

The Hon. C. M. HILL: There are about 20 decisions a week and generally the recommendations are accepted by the permanent head.

The Hon. C. J. Sumner: What are the figures?

The Hon. C. M. HILL: We do not have the statistics about how many dockets come across the desk of the permanent head every week. About 20 are made a week and rarely is one rejected by the permanent head.

The Hon. C. J. SUMNER: If the situation is rare, why should the Minister not be involved? There is no intention that the Minister should assess every decision, because that would still be the responsibility of the permanent head. Presumably, the permanent head gets the assessments from the assessment committee, considers them and then decides whether or not he should be overruled. If he agrees with the assessment committee's decision then that is the end of the matter; the question would not go to the Minister. However, if he disagrees with the assessment committee's decision, he must take it to the Minister.

The Minister has said that such occasions are rare. Therefore, I cannot see how my proposition would in any way clog up the administrative system in the bureaucracy. It is quite consistent with the proposition that basically the assessment committee should make the decision. However, there may be some circumstances where the permanent head, for special reasons, does not agree with the assessment committee's recommendation and in those rare cases where the permanent head decides to interfere with the basic authority set up to look at this question of where prisoners should go, the Minister ought to be advised and should concur in the decision.

The Hon. C. M. HILL: For a long time it has been an administrative act. We want to improve the practices and the legislation where it is necessary that improvement be written into the law, but there has never been a need for a further additional approval from the Minister in cases such as this. It has always been viewed as an administrative act.

The Hon. C. J. Sumner: It still would be.

The Hon. C. M. HILL: It works successfully now—why introduce a further approval process? The Government does not believe there is any need for the change.

Amendment negatived; clause passed.

Clauses 24 to 28 passed.

Clause 29—'Prison work.'

The Hon. ANNE LEVY: This clause deals with prison work. Subclause (3) states:

> Tasks selected for prison work must, as far as reasonably practicable, be selected on the basis that they are likely to provide prisoners with experience in a recognised profession, trade or other field of employment.

I have visited the women's rehabilitation centre and have noticed that the prisoners there are engaged in work that could not in any way be described as work providing experience in a recognised profession, trade or other field of employment. It is training for housework, not for employment.

The Hon. C. M. Hill: That is honourable work.

The Hon. ANNE LEVY: That is not what is in the Bill.

The Hon. C. M. Hill: I am saying that housework can be quite honourable.

The Hon. ANNE LEVY: I did not say that it was not.

The Hon. C. M. Hill: You insinuated it.

The Hon. ANNE LEVY: At the women's rehabilitation centre the work done by prisoners is not training for a recognised profession, trade or other field of employment: it is training for housework. The women prisoners there wash, clean, sew, and cook, and as far as I know that can only be regarded as training for housework. It is not training for a recognised profession or trade or for any other field of employment.

For this reason, I welcome this clause enormously. I look forward to it becoming law in the quickest possible time so that the practice at the women's rehabilitation centre will have to change to be in accord with the legislation before us. I bring this up in all seriousness. We see occasionally in the paper mention of different training schemes being employed for prisoners. Only the other day there was mention of a word processor being available for the training of prisoners, and a mini-computer is available for training prisoners.

What is never mentioned is that this is training for male prisoners only and that those training facilities are not available for women prisoners in this State. I sincerely hope that, when this clause has been passed into law, steps will be taken by the Department of Correctional Services to provide proper training for women prisoners, training for a trade, recognised profession or other fields of employment, and that they too will have available to them the modern equipment and opportunities available to male prisoners and that they will not spend their time doing an extension of housework while they are in gaol.

The Hon. C. M. HILL: I thank the honourable member for her support of this clause.

Clause passed.

Clause 30—'Prison education.'

The Hon. ANNE LEVY: Many of the same comments can be made about this clause as have been made about clause 29. Clause 30 provides that the permanent head shall arrange for such course of instruction or training as he thinks fit to be made available to prisoners. It is much narrower because it is only what the permanent head thinks will be fit for prisoners. I feel that, in many ways, this is much less satisfactory than the situation in clause 29, where it will be mandatory for work to be related to a profession, trade or field of employment.

Under clause 30 such courses of instruction or training as the Permanent Head thinks fit will be available to prisoners. As far as I am aware, at the women's rehabilitation centre, whilst it is possible for some of the prisoners there to undertake correspondence courses, there is very little training possible within the rehabilitation centre itself. I have often heard that many prisoners, both male and female, need or can benefit considerably from instruction in literacy and that there is a considerable proportion of prisoners who, when they first enter gaol, are illiterate. At Yatala there is a full-time teacher who can undertake classes and teach literacy.

At the women's rehabilitation centre, there is a teacher who comes one afternoon a week. How can one ever expect anyone to learn to read if someone who has always had problems with literacy is suddenly expected to learn literacy by having classes one afternoon a week only? I am quite sure that any education authority would agree that adult literacy programmes require far more instruction than just one afternoon a week.

I sincerely hope that, with the passing of this legislation, the courses of instruction and training which are available for women prisoners will be as extensive as those that are available for male prisoners. I think it is regrettable that there is nothing mandatory to ensure that women prisoners receive the same opportunities as men prisoners receive, as it will remain at the discretion of the permanent head, though I imagine that perhaps the Sex Discrimination Act, which covers education, could perhaps be invoked. I sincerely hope such approaches will not be necessary, but that arrangements will be made for equality of opportunities for women prisoners as for men prisoners in areas of instruction and training as well as in employment, and that has not been the situation up to date.

Clause passed.

Clauses 31 and 32 passed.

Progress reported; Committee to sit again.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

EVIDENCE ACT AMENDMENT BILL (No. 2)

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

ADJOURNMENT

At 6.24 p.m. the Council adjourned until Tuesday 2 March at 2.15 p.m.