LEGISLATIVE COUNCIL

Wednesday 3 March 1982

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

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table a report to the Parliament from the Ombudsman recommending the repeal of section 18 (1) of the Ombudsman Act, 1972-74.

QUESTIONS

HUNGARIAN VILLAGE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Attorney-General on the subject of funds for a Hungarian Village.

Leave granted.

The Hon. C. J. SUMNER: I have recently received representations relating to the fate of the project to build a Hungarian Village for aged and invalid persons of Hungarian descent. Money was collected from the public for this purpose and approval was gained from the Federal Government for a subsidy.

There is now considerable concern that the money collected for this charitable purpose will be used to build a Hungarian social club. There are already two such clubs in Adelaide. Members of the Hungarian community are incensed by this proposed change of use of funds. I have information which indicates that the Government has approved this change of use. It is inexcusable to permit funds specifically collected to assist the aged and infirm to be used for yet another social club. Has the Government received representations about this matter? If so, has the Government decided to allow moneys to be transferred from a charitable purpose to a social club?

The Hon. K. T. GRIFFIN: Earlier this week I was presented with a report by my officers in respect of this matter. It had been the subject of earlier representations to me, and I had an officer make some investigations with a view to determining the facts of that dispute. I have earlier this week given instructions that action should be taken in the Supreme Court, if that were necessary, to restrain the alternative use of funds to which the Leader of the Opposition has referred, but that action in the Supreme Court was subject to the Hungarian Village present committee of management not complying with a written request to hold any action until the matter had been further examined.

The advice which came to me was that the Supreme Court ought to be involved in any decision whether or not the use to which those funds are put should be changed. It is properly a matter within the jurisdiction of the Supreme Court and until that decision is made I am certainly anxious that those funds should not be applied to a purpose—

The Hon. C. J. Sumner: And the land not sold?

The Hon. K. T. GRIFFIN:— other than the purpose for which they were originally raised. The Leader asks about the sale of the land. It is my request that the land not be sold, but if it is sold that the money be deposited in a trust account to abide the decision of the Supreme Court as to the appropriate use to which those funds should be put. I would hope that a Supreme Court injunction will not be necessary to restrain the application of those funds for another purpose. As I have said, I have already given instructions to the Crown Solicitor for a writ to be issued if, in fact, the group will not voluntarily agree to a holding action until the Supreme Court has determined the use to which the funds should be put. The advice which has come to me is that it is not within my province, or the province of the Government, to approve an alternative application of the funds, but that it must be dealt with under the Trustee Act by the Supreme Court.

The Hon. C. J. SUMNER: I have a supplementary question. In view of the fact that the land which has been acquired for the purpose of the construction of this village is now, I understand, for sale and if sold would deprive the organisation of the use of that land for the purposes of a retirement village, will the Attorney-General take action to ensure that the land is not sold prematurely—that is, premature to a decision by the Supreme Court on the use of the funds?

The Hon. K. T. GRIFFIN: I was not aware that the property was available for imminent sale. I will certainly have that information checked and, if that is the case, I will ask my advisers to make immediate contact with the committee of management with a view to having the sale stopped until the Supreme Court has determined the appropriate application of those funds. I will deal with that as a matter of urgency.

CHIEF OVERSEAS PROJECT OFFICER

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, about the Chief Overseas Projects Officer.

Leave granted.

The Hon. B. A. CHATTERTON: The Chief of the Overseas Projects Division of the South Australian Department of Agriculture has been given permission to travel overseas and visit a number of countries in which South Australia has agricultural projects and to visit other countries which might be interested in having projects or in funding projects. I believe that he intends to visit, among other countries, Iraq, Tunisia, Algeria, West Germany and Mexico. With regard to his visit to Iraq, I was surprised to learn that he has been in close contact with various officers of the Australian Security Organisation. There seems to be briefings and discussions being held only regarding the South Australian project in Iraq. Will the Minister say why Mr Hogarth, the Chief Overseas Project Officer, was briefed by the Australian Security Services regarding his visit to Iraq?

What was the nature of the briefing given by the security service? Will the Chief Overseas Project Officer report back to the Australian Security Organisation when he returns from Iraq? Will the reports that he makes on his visit to Iraq and the situation there be passed on to any other overseas security organisations? If Mr Hogarth is acting for the Commonwealth security organisation during his visit to Iraq, will the Commonwealth Government recompense the State for any part of his salary whilst he is there?

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

MEDICAL BENEFITS

The Hon. J. R. CORNWALL: I seek leave to make a short explanation before asking the Minister of Consumer Affairs a question about medical benefits.

Leave granted.

The Hon. J. R. CORNWALL: I have before me a very expensive, coloured brochure distributed by N.H.S.A., which is a health fund whose slogan is 'We're with you . . . no matter what happens'. As I will proceed to show the Council, that is not necessarily accurate. The brochure is dated 1 September 1981. Under the hospital section the brochure states:

> N.H.S.A. offers you the simple choice of two hospital benefit tables . . . one that covers you for public hospitals, the other for private hospitals. That's the kind of freedom and simplicity of choice N.H.S.A. have always believed in.

Under the HB (basic hospital) section the brochure states:

> This table is designed to cover the cost of standard care in a recognised hospital. It provides a fund benefit of $85 per day . . . plus professional service fees of $40 per day [that is, for a doctor or doctors], prescribed same-day hospitalisation $40 per day and out-patient fees.

Under HF (extended hospital) the brochure states:

> This table provides for a fund benefit of up to $100 per day, plus benefits for professional service fees . . .

The brochure states that quite clearly. A constituent of mine—and I have hundreds and thousands of them, as you know, Mr President—

The Hon. J. C. Burdett: We all have.

The Hon. J. R. CORNWALL: Mine are more dedicated. They are real fans. The constituent contacted me following surgery in a private hospital. This gentleman is a man of average intelligence, an ordinary citizen in the community who tried to battle with the great complexities of 1 September. He obtained this brochure and, in fact, he obtained all the brochures put out by the various health funds—freedom of choice, which this scheme alleges. He read of the extended hospital cover business, which clearly stated 'Plus benefits for professional service fees.' He could only afford hospital cover; he wanted hospital cover only. He wanted to get the best hospital cover only and he wanted to be sure that he would be covered for medical costs as well.

It is a perfectly reasonable presumption, reading this brochure, for an ordinary citizen in the community to get the clear impression that he is covered for medical fees. He also discussed the matter with counter staff at the health fund and was assured that that was the situation. Ultimately, a short time ago his doctor admitted him to a private hospital for surgery. Frankly, the doctor should have known better, but that is beside the point in the present circumstances. Of course, he now finds that he is covered for hospital only in a non-public or private hospital. He has been hit for a bill for $300 for services rendered. On the face of it, this seems to be a clear case of misrepresentation by N.H.S.A. I will not comment on whether that is intended or not. Upon reading the pamphlet a reasonable, average man or woman would clearly gain an impression that they would—

The Hon. J. E. Dunford: I would.

The Hon. J. R. CORNWALL: I was about to say that Mr Dunford is very average, but he is not: he is extraordinary. That is what has happened to this poor fellow, who is now lumbered with $300 worth of medical bills which the N.H.S.A. refuses to pay. Can the Minister investigate this matter (I will give him the name and address of the constituent) and have it expedited as a matter of urgency? More importantly, will the Minister undertake to give as much publicity as possible to the very poor wording in this particular pamphlet put out by N.H.S.A.? If people in the community interpret this pamphlet as my constituent did, there may be many thousands who, like this unfortunate constituent of mine, are under the impression that they are covered for medical treatment in private hospitals when in fact they are not, and could then be up for not hundreds of dollars like this man, but thousands of dollars.

The Hon. J. C. BURDETT: The department has received few complaints regarding this area; certainly some, but not any of this kind.

The Hon. J. R. Cornwall: That's not true. This bloke has complained to the Department of Public and Consumer Affairs. Don't tell pork pies.

The Hon. J. C. BURDETT: I am not telling lies.

The Hon. J. R. Cornwall: You said that you had received none of this kind.

The Hon. J. C. BURDETT: Certainly few of this kind. If this is the first one—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: If this is the first one it proves exactly what I am saying. If this is held up as being the first complaint—

The Hon. J. R. Cornwall: It is the first one you have had!

The Hon. J. C. BURDETT: I am not saying that.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I am saying that there are few complaints in this area in regard to hospital cover and certainly few of this kind. This is one complaint and one which has been raised with me for the first time this afternoon. The particular pamphlet has not come to my notice previously and apparently has only come to the notice of the honourable member quite recently. I make no apology for the fact that it has not come to my notice before. In view of what the honourable member has said—

The Hon. J. R. Cornwall: Why don't you answer the question; you are rambling on like an old lunatic.

The Hon. N. K. Foster: How does a young lunatic ramble?

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The honourable member explained his question at some length. Before I answer the question, I am entitled to refer to the matter he raised in his explanation. In the circumstances that the honourable member related, the pamphlet may amount to a breach of the Unfair Advertising Act or the Misrepresentation Act. The honourable member asked whether I would investigate the matter—

The PRESIDENT: Order! It should not be necessary for the member with the call to have to shout to be heard.

The Hon. J. C. BURDETT: The honourable member asked me, first, whether I would investigate the complaint. When he asked the question he said that the matter had already been brought to the notice of the Department of Public and Consumer Affairs, and asked whether I would expedite the matter. I will be pleased to do that and will be pleased to find out from him privately the name and address of the person concerned so that the complaint can be ascertained and the matter expedited. Secondly, the honourable member asked whether I would give publicity to the misleading nature of this particular pamphlet. I will investigate the pamphlet against what is in fact offered. I will have my officers conduct an inquiry to ascertain how the benefits mentioned in the pamphlet match up with those actually offered. When I receive the results of those inquiries I will take into account whether or not the matter should be widely publicised. If the matter is as blatant as the honourable member says, then obviously it should be widely publicised, but this will depend on the outcome of the inquiry and how the promises match up with the performance.

STATUES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Minister of Arts a question about the statues in Parliament House.

Leave granted.

The Hon. R. C. DeGARIS: Before making my explanation, I crave the indulgence of the Council and indicate that it was reported in today's newspaper that the Hon. Mr Dawkins has completed 20 years of service in this Chamber, and I know that the Council would support my congratulating him on his service. In regarding to the statues, the Hon. Mr Dawkins has for years admired the statues in Parliament House, as we all have. Recently, when I have looked around I have seen the vacant spots where the statues were, because they have been moved, and I think that the Council looks all the barer for their removal. Is the removal of these statues permanent? Are they borrowed, and will they be coming back? If not, will the Minister give thought to some replacement of the statues, which were here for a long time, graced this Council, and added to its splendour?

The Hon. C. M. HILL: Like the honourable member, I was disappointed to see the departure of the statues. I now walk down the corridors and see the circular bare patches on the carpet and see that they are all that remain of what were statues of some beauty—

The Hon. J. R. Cornwall: Do you think they were soft Victorian porn?

The Hon. C. M. HILL: Beauty is in the eye of the beholder. I have to advise the honourable member, whom I commend for showing an interest in the arts in this way, that my consent was not sought. I read with some disappointment that the statues had gone, although I live in some hope that they will return. To get to the bottom of the mystery, perhaps I might pass the question on to you to answer, Mr President, because I understand that their removal was a matter for decision by you and, in common with the honourable member, I would like to know the position. I seek information about who took them, when they were taken, the reason for their being taken and when Parliamentarians on both sides of the Chamber, together with staff, can expect their return.

The PRESIDENT: The Minister has asked me what I know of the removal of the statues. I can only say that they were lent to the Parliament about 40 years ago and, for some reason or other, the gallery now desires the return of the statues. There has been no undertaking that the statues are temporarily returned, and I presume that perhaps we may never see them again. They did not belong to Parliament: they were on loan.

HOUSING TRUST HOUSES

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Minister of Housing a question about the Housing Trust houses.

Leave granted.

The Hon. J. E. DUNFORD: Some members may have read recently in the *Advertiser* that the owner of the Hackney Hotel, which has been trying to extend its area and car parking facilities, endeavoured to buy the property known as 2 Bertram Street. It is also alleged in the newspaper article, although it is denied by the hotelkeeper, that a $5 000 offer was made, whereby the person selling the property would benefit if that person agreed to the sale. The person's name was mentioned but I would rather not mention her name here, because the last person whose name I mentioned received a death threat.

It has now come to my notice that the woman concerned has an assurance from the Housing Trust that the house will not be sold over her head. I believe that, even though this woman has that assurance from the trust, the Minister can direct that the house be sold. That is the information that I have received. If that information is correct, on behalf of the person concerned I would like an assurance from the Minister that, if he is able to dispose of that property without the consent of the owner, he will not do so. I ask that so as to ease the mind of the person, who does not want to sell at any price and wants to remain there for the rest of her life. That is the intention so far. I ask for that assurance from the Minister.

The Hon. C. M. HILL: It is true that the trust operates under the direction of the Minister, although Ministerial direction is seldom exercised, because it is a statutory body and operates extremely well under the direction of its own board. I assume that the member is talking about a house that is in the name of the trust but is tenanted, and the member is taking up the cause of the tenant. I do not know the exact detail of the issue that the member has raised but I will be only too pleased to get more details for him and bring back a reply.

PASTORAL LEASES

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Minister of Local Government, representing the Minister of Lands, in respect of pastoral leases.

Leave granted.

The Hon. N. K. FOSTER: Everyone is aware that legislation is about to come before the Chamber in respect of pastoral leases, and most members in the Chamber know that that matter figured last night on an A.B.C. programme. It is a matter of some contention, depending on whether the lessee, I suppose, is a multiple lessee, a lessee, or one of a number of groups concerned about the legislation proposed to come before Parliament and about what was contained in the recent report dealing with this very vexed question.

The PRESIDENT: I hope that the Minister of Local Government realises that this question is directed to him.

The Hon. C. M. Hill: Yes, I do, Mr President.

The Hon. N. K. FOSTER: This is one of those few occasions when I was not going to take a lot of time when leave to explain the question was granted by the Chamber but, not being given the opportunity to speak often in debate, I intend to take longer. Will the Minister seek the following information in respect of pastoral leases: what is the minimum period before renewal of some of the present leases, and how many are due for renewal in from one to five years, five to 10 years, 10 to 20 years, and 20 to 40 years?

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

INVESTIGATOR ANCHOR

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Arts a question about the *Investigator* anchor.

Leave granted.

The Hon. L. H. DAVIS: Members may be aware that the building immediately to the rear of the South Australian Art Gallery was formerly the archives building and now is the historical section of the South Australian Art Gallery. Before the recent rearrangements that have boosted the space available to the Art Gallery, the anchor, which came from Matthew Flinders' ship *Investigator*, had been housed there for public display, along with the Frenchman's Rock exhibit. As these are important items of history, can the Minister inform the Council where these exhibits will now be displayed?

The Hon. C. M. HILL: I am pleased to inform the member that arrangements have been made for the Flinders anchor and Frenchman's Rock exhibits to be placed on public display in the whale pavilion of the South Australian Museum. These exhibits will be on temporary loan from the gallery and discussions are continuing with the History Trust of South Australia in regard to the permanent site for these items to be displayed. This new location is considered particularly suitable as they will be displayed with other items of historic and nautical interest. The relocation will be completed by the end of this week and the items will be available for public viewing during the forthcoming festival, and the second Southern Hemisphere Conference on the Maritime Archaeology, to be hosted shortly in Adelaide.

ART OBJECTS

The Hon. N. K. FOSTER: I wish to ask a supplementary question about objects of art. Someone suggested that I should say *objets d'art*, but God forbid. How many other objects of art of historic value have been loaned to this place?

The Hon. R. C. DeGaris: The Hon. Mr Dawkins is retiring soon.

The Hon. N. K. FOSTER: Thank God for that.

The PRESIDENT: Order! I do not think this is a supplementary question.

The Hon. N. K. FOSTER: What other objects of art or statues that have been loaned to this Parliament can be the subject of swift, silent theft or removal and when is all the furniture that used to be in Ayers House going to be returned to this building?

The Hon. C. M. HILL: The public acknowledges that the Hon. Mr Foster is not an *objet d'art*. Seriously, regarding the first part of his question concerning objects of art that have been on loan from the Art Gallery to Parliament House, as you indicated earlier, Mr President, some action has been taken to return some of these exhibits to the Art Gallery and, in general terms, the Art Gallery board is very anxious to collect, within the precincts of the Art Gallery, art exhibits not only here but also elsewhere in public places in Adelaide. Regarding those pieces that were here, their removal, I would assume, at least from the corridors and other public areas in the building, is subject to your consent, Sir, and removal of those exhibits on the other side of the building no doubt is subject to the consent of the Presiding Officer in another place. If members have any of these works such as paintings in their own offices, it is my very firm view that removal from those offices should be subject to the approval of the respective occupiers of those particular rooms.

If they are being removed without the consent of the occupiers, I think that that matter ought to be made known so that some inquiry can be made. I noticed that a painting for which I have some affection was removed from my office the other day. I made inquiries and found that my office had agreed to its removal for a term of about six weeks because my office was advised that it was required for an exhibition at the Art Gallery. Of course, I have no objection to the removal for that purpose. With regard to items within the ownership of the Art Gallery that have been placed in Ayers House—

The Hon. N. K. Foster: Furniture from this place.

The Hon. C. M. HILL: I see. The honourable member was indicating that there were some items from within Parliament House which have been transferred to and which are now being displayed or used at Ayers House. If that is the case, it would have happened, no doubt, when Ayers House was established, and those who were responsible for such removal or transfer are the people who should be answering this question. I do not know of any items which were the property of Parliament House and which were removed to Ayers House. I think that the question relating to Ayers House should be pursued because the Hon. Mr Foster has raised this matter in good faith. I shall be pleased to look into that aspect of his question and bring back a reply in due course.

The Hon. N. K. FOSTER: I wish to ask a further supplementary question. Realising that this building was granted within the terms of the estate of the Bonython family, I hope that they do not come and grab the roof and leave us, as a result of this place being built as a gift or loan, homeless.

The PRESIDENT: That does not seem to be a supplementary question.

SUPERANNUATION

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Treasurer, about commutation rates for South Australian Government superannuation.

Leave granted.

The Hon. C. W. CREEDON: My question is best explained by referring to a circular directed to the Australian Transport Officers Federation and signed by the Secretary of that association, Mr B. P. Busch, as follows:

> Commutation Rates—S.A. Government Superannuation:
>
> Advice has been received that the commutation rate for superannuation for officers covered by the S.A. Government Superannuation Fund are to be reduced by at least 15 per cent effective as from 1 July 1982. It is anticipated that the new rate which has to be ratified by this session of Parliament will reduce from $183 to $155.50 for each $1 invested.
>
> It is considered possible that in the long-term future the commutation rate will disappear completely and that superannuants will only be able to draw a pension. This will then have an effect on a person's ability to apply for a part pension at age 65 and in fact is one way of ensuring that you will not be able to gain a part pension....You are forced to pay superannuation all your working life to be denied a pension on retirement whereas some-one outside the Government need not pay into a super scheme and can reap the benefits of not only a pension but also the fringe benefits which go with it e.g. hospital funds, travel concessions etc.

My questions to the Minister are as follows: first, does the Government intend to force the trustees to reduce the commutation rate from $183 to $155.50 for each $1 invested? Secondly, if so, does the Government intend to do this by an Act of Parliament, regulation or proclamation? Thirdly, when does the Government intend to take the necessary action? Fourthly, why does the Government wish to reduce the commutation rate by 15 per cent? Finally, does the Government intend to reduce the commutation rate further in the future?

The Hon. K. T. GRIFFIN: I will refer that question to the Treasurer and bring back a reply.

ART OBJECTS

The PRESIDENT: I wish to make a point of clarification in reply to the honourable Minister of Local Government. The statues and articles of art that have been removed from Parliament House are not removed by consultation with me. The only explanation I have is that they belong to the Art Gallery, have been on loan, and that the gallery at this stage desires their return.

COOBER PEDY

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Local Government about local government funds for Coober Pedy.

Leave granted.

The Hon. FRANK BLEVINS: Members will recall that we passed a Bill recently giving rights to the Coober Pedy Progress and Miners Association to raise finance from the citizens of Coober Pedy to enable some badly needed civic works to proceed at Coober Pedy. A good Select Committee held meetings before the Bill was passed. I am sure that the Minister will remember that, during the course of that Select Committee, I raised on at least one occasion the question of giving a grant to the Coober Pedy Progress and Miners Association at the start of the proposed rating arrangement to enable it to have some cash in hand to make some necessary improvements in Coober Pedy without having to go into a great deal of initial debt. In other words, this would enable it to generally upgrade the place (and such work was certainly needed) before the whole responsibility was handed over to the association.

It seemed to me, and to members of the committee on this side, that that should be done. However, I have been informed from Coober Pedy that the Government is apparently not doing that. I am not quite sure how formal the requests have been from the Coober Pedy Progress and Miners Association for money to start the project. However, my information is that some requests have been made and refused, and that the attitude of the Government is that, if it needs money to start with, it should borrow against future rates. If that is the case, it certainly is most unfair to the association. My information is that that is the case, but I would like the Minister to confirm or deny that some negotiations have taken place with the Coober Pedy Progress and Miners Association. What financial provisions have been made by the Government to enable the Coober Pedy Progress and Miners Association to start its programme of urgently-needed civic works in Coober Pedy.

The Hon. C. M. HILL: This whole question has not yet been finalised. I realise that, as the Coober Pedy Progress and Miners Association takes over local government in Coober Pedy, it will be confronted with a difficult financial situation. That will remain the position until it starts obtaining rate revenue from the citizens of Coober Pedy. Of course, since that income will not be forthcoming until the first half of next financial year, there will be a period of several months when the association will be faced with financial difficulties.

The Government has certainly not refused to arrange for financial assistance. Frankly, the Government is treading water at present, because one or two vital decisions have had to be taken before the question of Government finance could be formalised. For example, in my opinion, it was necessary to wait until the Chief Executive Officer had been appointed to the association (the Chief Executive Officer is the equivalent of a district clerk in district council areas). I believe it was proper to wait for that appointment, because the association can now deal through a permanent and senior staff member in its discussions with the Government.

Nevertheless, I have had some discussions with the Outback Areas Community Development Trust, which has been the statutory body overseeing some financial aid for various purposes for Coober Pedy over the last few years. In the opinion of the trust and, indeed, in my opinion also there has been a need to concentrate our thoughts on funding on the need for an adequate water supply for fire safety purposes at Coober Pedy. I have been negotiating with the Engineering and Water Supply Department, hopefully to gain its interest in the provision of a water supply service. That issue is now in the final stage of discussions. I certainly believe that some funding will be required for that purpose.

I was only advised in the past week that the Chief Executive Officer had been chosen by the association. For the interest of the honourable member, the person appointed is Mr Neville W. Hyatt, whose appointment, I hope, is welcomed.

The Hon. Frank Blevins: It's certainly welcomed by members on this side.

The Hon. C. M. HILL: I am pleased to hear that we join as one in his selection. Mr Hyatt's appointment will allow us to get down to the nitty gritty of looking at the financial situation of the association, to carry it over into the period when it begins to obtain funds from its own citizens. Moreover, at about that same time the area will also receive a grant from the Local Government Grants Commission, as will other local government bodies.

The financial picture for the association, acting as a local government body, will be much clearer in about six months time. I assure the honourable member that I have not overlooked the need for the people of Coober Pedy to be considered for some base finance for their new local government venture; it is being considered. In due course, after we formally hear from Mr Hyatt, and after we have come to a final decision on the supply of water for fire fighting purposes, we will be in a better position to make a more definite decision on the finance referred to by the honourable member.

MURRAY RIVER BRIDGE

The Hon. M. B. DAWKINS: Has the Attorney-General a reply to my question of 9 February about another bridge across the Murray River?

The Hon. K. T. GRIFFIN: On 24 February 1982 the Government released a draft environmental impact statement on a future Riverland bridge. At the same time the Minister of Transport announced that an area on the western boundary of Berri has been designated as the preferred site. This scheme would involve a deviation of the Loxton-Berri Road but would require the least work on approach roads and associated works. Public comments can now be made and will be taken into consideration when a final e.i.s. is prepared.

TRAFFIC LIGHTS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Transport, a question about traffic lights.

Leave granted.

The Hon. ANNE LEVY: Like many thousands, if not hundreds of thousands, of South Australians, I regularly drive from South Terrace to North Terrace or from North Terrace to South Terrace along either King William Street or Pulteney Street. In so doing, we encounter 11 sets of traffic lights.

The Hon. Frank Blevins: All red.

The Hon. ANNE LEVY: This same number applies along both King William Street and along Pulteney Street. While some people may think that these lights are always showing red (and I have often had that feeling), I have kept some statistics on the number that I encounter as red or green, and the average number of red lights is slightly over six. Out of 11 sets of lights, one would expect that sort of figure would be obtained if the lights were red or green on a completely random basis.

Quite obviously when there is heavy traffic at peak periods cars will be slowed down. However, when there is very little traffic one might expect to be able to drive from North Terrace to South Terrace or from South Terrace to North Terrace without being held up by red lights, if one travelled at the appropriate speed, presuming that there is an appropriate speed.

Is there a speed at which, in the absence of heavy traffic, a vehicle can travel from North Terrace to South Terrace or from South Terrace to North Terrace without encountering any red lights? If there is no such speed—in other words, if the lights are not synchronised to permit such travel—will the Minister investigate whether such synchronisation could be introduced so that a smooth flow of traffic would be possible and many nerves that are now being frayed would cease being frayed?

The Hon. K. T. GRIFFIN: My understanding is that traffic lights within the city of Adelaide are the responsibility of the Corporation of the City of Adelaide and not the responsibility of the Minister of Transport. Notwithstanding that, I will refer the matter to the Minister of Transport and endeavour to bring back a reply.

FLINDERS MEDICAL CENTRE PARKING

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about parking facilities at the Flinders Medical Centre.

Leave granted.

The Hon. G. L. BRUCE: Some time ago, I asked a question of the Minister about the parking facilities at the Flinders Medical Centre. My question must have struck a fairly responsive nerve within the community because, following that question and the reply I received from the Minister, I received letters and telephone calls from people around that area. One letter I received states:

> What I cannot understand is why I cannot park my car in the car park on the days that I am on afternoon shift for a brief visit of approximately 10 to 15 minutes under circumstances when the car park is quarter to half full at about 12.15, unless I have a doctors appointment.

This man's wife was in hospital and he had gone to visit her. The letter further states:

> I wish to also advise you that the time the car park is open to the public is 4.30 p.m. and not 4 p.m. as stated in the *Community Courier*. I was told this on Thursday 4 February at 4.20 p.m., with three children plus an elderly neighbour in the car, just to drive around until 4.30. The car park this afternoon at this time was quarter full.

In reply to my question the Minister of Health stated:

> The inadequacy of parking facilities has been a constant source of complaint from the time the centre opened in 1976.

The Minister said that the Public Works Standing Committee was looking at the proposal, but had not come up with anything, and that there was to be another proposal. She further said:

> The Public Works Standing Committee deferred the submission to await the introduction and policing of by-laws by Flinders Medical Centre following which a further submission would be made to the Public Works Standing Committee.

This is a most unsatisfactory situation for people visiting the Flinders Medical Centre. Can the Minister say how long it will be before the Public Works Standing Committee considers any further submissions and acts on them? Pending a decision, can some relief be given to visitors of patients at the Flinders Medical Centre, as there is no doubt that this matter is of serious concern to users of the Flinders Medical Centre, who deserve better treatment than the indefinite deferral of the matter, as indicated in the Minister's answer.

The Hon. J. C. BURDETT: I will refer those questions to the Minister of Health and bring back a reply.

STAFF APPOINTMENTS

The Hon. B. A. CHATTERTON: The Minister of Community Welfare has indicated that he has a reply to a question I asked on 23 February about staff appointments. This surprises me, as there are so many questions still outstanding from last year.

The Hon. J. C. BURDETT: The Minister of Agriculture has provided the following reply:

> The formal appointment of Mr A. H. Cole as Assistant Director was dependent upon modifications to the departmental organisation structure which combined under this position, the two previous divisions of Forest Operations and Harvesting and Marketing. Public Service Board approval of this divisional reorganisation was granted on 11 February 1982 and the recommendation for Mr Cole's appointment has now gone forward.

INTERNATIONAL YEAR OF THE DISABLED PERSON

The Hon. ANNE LEVY: Has the Attorney-General an answer to a question I asked on 11 February about the International Year of the Disabled Person?

The Hon. K. T. GRIFFIN: On Thursday 11 February 1982 the honourable member made a brief statement before asking me a question concerning the possibility of the financial appropriation to the International Year of the Disabled Person not being fully utilised. At present, there is a small surplus in the funds allocated for the International Year of the Disabled Person. As stated previously, portion of these funds will be transferred to enable staff to be engaged in the Equal Opportunity Division of the Department of Public and Consumer Affairs. These officers will assist in the work to be undertaken leading up to the proclamation of the Handicapped Persons Equal Opportunity Act on 1 July 1982. The balance of funds remaining will be used to meet expenses incurred, but not paid and to assist in funding officers of my department finalising the reports and matters relating to the year.

ON-THE-SPOT FINES

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

> 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 is of the view that he should be removed from his Ministerial duties and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

This is the most serious motion that can be moved against a Minister. In effect, the motion calls for the Minister's dismissal for misleading the Parliament, in this case about the on-the-spot fine system. The Opposition believes that the Attorney-General's actions in this matter clearly establish that on at least two counts he has given deliberately misleading information to the Parliament and the public, first, in his second reading explanation when the Bill to set up this scheme was introduced and, secondly, during public discussion on this issue in recent weeks, particularly in a letter he wrote to the *Sunday Mail* about three weeks ago.

Unfortunately the motion is moved in the context of a considerable deterioration in the standards of probity demonstrated by Ministers of this Government towards the

Parliament. Parliament is treated as a nuisance and the attitudes of Ministers are at times contemptuous. In relation to questions, we are subjected to delay and evasion. More heinous than indifference or contempt are accusations of deliberate deception which are made by way of this motion.

This Government and its Ministers are developing an unenviable reputation for deceit and dishonesty in their dealings with the Parliament. In recent times in this Chamber there have been three examples: the Hon. Mr Burdett on two occasions was caught out giving deliberately misleading information to the Parliament, first, in relation to the Builders Licensing Board, and, secondly, in relation to letting agents. We then had the fiasco over bankcard and the stamp duty amendments.

The substance of this motion deals with the Attorney-General's action in relation to on-the-spot fines legislation, and I have outlined the two basic accusations. In order to demonstrate to the Council that these charges are proved, I would like to take the Council back to 17 February 1981 when amendments to the Police Offences Act were introduced by the Attorney-General, who stated:

> The number of offences dealt with annually in this range of offences is about 100 000 . . . In fact, it has been estimated that traffic cases will be reduced by over 60 per cent. There are advantages for the offender as well.

The PRESIDENT: Order! It is difficult to hear when members are speaking audibly whilst another honourable member is on his feet trying to give a speech.

The Hon. C. J. SUMNER: The Attorney stated:

> It is predicted that approximately 90 per cent of persons given a traffic infringement notice will pay the expiation fees within 28 days. This will, it is estimated, save more than $450 000 in direct costs in each year. The estimated savings allow for the scheme to pay for itself in the year of introduction, and the savings will continue in each subsequent year. An additional benefit may be that penalties will prove to be more effective if imposed immediately after the offence has been committed, thus resulting in improved driver behaviour.

They were the bases on which this legislation was introduced, and I have no hesitation in telling the Council that that was a deceptive and misleading speech. What was not mentioned—and this is important in the context of this motion—were two important things: first, there was no suggestion in that speech that there would be an increase in revenue as a result of this scheme, and we know that that is not true, and, secondly, there was no suggestion in that speech that there would be an increase in the number of offences detected, and we know that that was not true.

There was then subsequent publicity about the scheme, and the scheme was introduced. On 24 November 1981, the Government announced that the scheme would come into effect in 1982. The *Advertiser* reported that the Government expected the scheme to save nearly $500 000 a year and reduce the backlog of traffic court cases by about 60 per cent. Those sentiments were reflected in an *Advertiser* editorial of 24 November 1981. On 29 December 1981, with the scheme about to be implemented, there was an *Advertiser* report indicating that the scheme was estimated to save taxpayers $500 000.

Right from the beginning in February 1981 through to December 1981 the impression given by the Government to Parliament and the people was that the cost savings would be about $500 000. The scheme was then introduced on 1 January 1982 and, as the scheme's operation came under some criticism, the Labor member for Albert Park in another place, Mr Hamilton, alleged that the Government would gain $4 000 000 additional revenue as a result of the scheme.

That issue was taken up in the *Sunday Mail* on 2 February 1982, and the $4 000 000 was specifically mentioned. In that article, Tony Baker raised the question of the validity of the scheme and asked whether or not a monster had been created. He said that the Government may be helping itself to $4 000 000 of taxpayers' money. Subsequently, a statement was made by Superintendent Beck, who apparently was in charge of the scheme in the Police Force, saying that the number of notices issued had increased by about 40 per cent over the average number under the old system, and that that more than 12 000 infringement notices had been issued in the month of January, a 40 per cent increase.

What was the Attorney-General's response to that—and this indicates the gravity of the charge and is very much a central point of the accusation against the Minister? In a letter of reply which was printed in the *Sunday Mail* and which was headed 'It's no monster', the Attorney stated:

> I would like to pacify Tony Baker. The Government has not created a monster with the introduction of the traffic infringement notices system.
>
> He says the scheme will yield a 'staggering' figure of $4 000 000 in fines. What he does not say is that this amount would most likely have been generated during an average year if the scheme had not been introduced, and all minor traffic offences had been taken to magistrates courts.

There is clearly an implied denial in that statement that the amount of $4 000 000 would be earned. The Attorney tried to say that $4 000 000 was what the Government would have got anyhow, and he implied that the figure was therefore ridiculous. We know that that is completely incorrect.

The Hon. B. A. Chatterton: It is $5 000 000.

The Hon. C. J. SUMNER: Yes, it is $5 000 000, as I will demonstrate shortly. In his letter, the Attorney went on to state:

> Approximately $5 000 000 was generated in 1981 in costs and fines. About 100 000 minor traffic offences are detected by police each year. It has always been openly stated the scheme will allow police to be freed to do more police work, not clerical work. The scheme also relieves a great deal of administrative burden from the courts as well as relieving the general public from the hassle of receiving a summons, going to court, and paying court costs in addition to fines.
>
> With respect to some of the 'obscure' examples of the expiation fees, these offences have always existed. What's new? The public has always been liable to a fine for committing such offences. The only 'monster' which seems to have been created is the misconception that exists in Mr Baker's mind.

Along with the second reading speech that the Minister made, I have no hesitation in saying that that letter was deliberately misleading—an exercise in deliberate deception. The Opposition's position, which yesterday the Attorney-General tried to criticise, was, I think, explained in a question that the Hon. Frank Blevins asked in this Council of the Hon. Mr Hill, in the absence of the Attorney-General. The Hon. Mr Blevins stated:

> The Opposition did not oppose this measure, on the basis that it was being brought in to streamline the administrative actions required to process road traffic offences. However, we were not told that apparently the police would use those fines to harass motorists and other road users, such as people who ride motor bikes. We were not told that the system would be used as a revenue-raising measure for this Government. Had we been told that, perhaps we would have opposed it, because that is certainly what has happened.

There is no doubt that the Opposition was misled over this issue when the Bill was introduced. It is important when considering legislation that correct and not deceptive and deliberately misleading information is given to Parliament. It was suggested by the Opposition that this was a revenue-raising device by the Government. There was then a deafening silence from the Government, but generally the impression was given that there were no such revenue implications.

That outlines as briefly as I can the facts surrounding the implementation of the scheme and the Attorney's statements made about it in public. I would now like to deal

with the facts of the matter, because they will reveal clearly to the Council that at least in two specific instances the Attorney-General has misled the Parliament and the public.

The Opposition has received a copy of a report by a working party that the Government set up to investigate on-the-spot fines. It reported to the Government in March 1980 and I would like to take members through some aspects of that report. In paragraph 3.2 the following appears:

The benefits of the proposed system will be maximised if as many offences as possible are included and it would be feasible to include most minor offences under the Road Traffic Act and regulations and some minor offences under the Motor Vehicles Act.

It is interesting to compare that statement to what the Attorney-General said yesterday in his Ministerial statement, which I pointed out at that time was an abuse of the proceedings of the Council. He said yesterday that the scheme did not envisage any crack-down on trivial offences. If it did not do that, what did the working party report mean when it stated that as many minor offences as possible should be included? Most minor offences have been included. There is a list of almost 200 offences, which do include many that are quite trivial. The original intention of the legislation, as indicated in this report, was that as many offences as possible should be included. At page 7 (and this is significant) the report states:

One of the major benefits of the proposed system is that it would result in a significant improvement in the effectiveness of police. Interstate experience indicates that the number of offences reported could be expected to double, mainly because police officers will be able to spend a much greater proportion of their time on the roads. The increase in patrol time will also enhance the prevention aspect of police work because of the increased exposure of police.

I emphasise that the Government knew when it introduced this scheme that it could expect that the number of offences detected would double. Was the Council given that information in February 1981? It was not, because the Attorney-General wanted to give a misleading impression about the effects of this scheme. The report goes on to mention certain benefits to the offender and outlines some of the arguments that the Attorney included in his second reading explanation. It is significant that the report does outline the revenue implications. Under the heading 'Effect on Government Revenue', the following is stated:

It is anticipated that the number of traffic offences reported will increase from the present level of 94 000 per year to 188 000 per year, a 100 per cent increase.

That is information that the Government had when the Bill was introduced in February 1981. That part also states:

Therefore, the proposed system would result in an increase in revenue of approximately $5 100 000 per annum.

The report then suggests that there would be a much quicker turnover of revenue and, in the conclusion, it states:

The introduction of an expiation scheme as proposed in this report for minor traffic offences is desirable and feasible. It would have a marked effect on the efficiency of traffic police, improve driver behaviour, provide benefits to offenders and result in manpower savings in the Police Department and Law Department. It would also have the effect of increasing Government revenue by more than $5 000 000 per annum.

That is the working party report that the Attorney-General had when he recommended introduction of this legislation and that Cabinet had when it approved this legislation. That was the information that the Government had when it introduced this measure into Parliament, but we do not see in the Bill reference to the fact that the number of offences would double or that $5 000 000 extra revenue would be earned. We can come to no other conclusion than that those matters were deliberately left out by the Government because it did not want Parliament to be given information that the Bill was a taxation-raising measure. If anyone is in any doubt as to the Government's intention in this matter, I point out that in another document, dated 19 November 1980, provided to the Attorney-General from the steering committee that was established to see to the implementation of this scheme there are further statements that indicate the revenue aspects of this proposal. I quote from that document as follows:

Furthermore, anticipated revenue should dwarf considerations of administrative costs and savings.

To say that the revenue aspects were an afterthought or incidental to the major thrust of the report is quite wrong. It was emphasised in the conclusion to the original report, and in a subsequent document it was clearly stated, that anticipated revenue should dwarf consideration of administrative costs and savings. The Government stated in its second reading explanation that administrative costs and savings would be about $500 000. The report stated that those savings would be dwarfed by anticipated revenue, yet in the second reading explanation there is no mention of the revenue from the scheme. Is that not deception? I challenge any member to come to any other conclusion. At this stage, I seek leave to have a table inserted in *Hansard* without my reading it.

The PRESIDENT: Is it purely statistical?

The Hon. C. J. SUMNER: Yes, Mr President.

Leave granted.

TABLE OF ESTIMATED SAVINGS

	A	B	C	
Number of Offences Reported	100 000	200 000	300 000	
Expiation Level	90%	80%	50%	
Number of Offences heard in Courts	10 000	40 000	150 000	
Staff Savings:				
Courts	21	12	16	additional
Police Department	13	8	10	additional
Total	34	20	26	additional
Annual Cost Savings	$466 500	$283 500	$341 000	additional
Annual Additional Revenue	—	$5.1 mil.	$10.2 million	

The Hon. R. C. DeGaris: What is the table of?

The Hon. C. J. SUMNER: The alternative predictions of the steering committee. The statement that appears in the table is as follows:

Estimated Savings: Three alternatives in terms of staff and cost savings and revenue have been calculated to show the most likely situation, and the two extreme possibilities in terms of the number of offences referred to the courts. Alternative B reflects the predictions of the steering group.

What is in the table in alternative B? This is what is expected by the Government.

The Hon. K. T. Griffin: By the working party.

The Hon. C. J. SUMNER: And by the steering committee. Are you suggesting that you did not accept that? What rubbish! The Attorney knows that table B was the one that he expected to be the prediction following implementation of this scheme. It shows that the number of offences would increase from 100 000 to 200 000, that the expiation level was 80 per cent, and that there were other staff savings. It shows the annual savings at $283 500 and it shows estimated additional revenue at $5 100 000. In option A, the number of offences reported is shown at 100 000, the expiation level at 90 per cent, and the annual cost savings at $466 500, with annual additional revenue shown at nil. The figures that the Attorney gave the Council in his second reading explanation were those in option A. The figures contained in option A were not the predicted figures of the steering committee.

The Hon. K. T. Griffin: So what?

The Hon. C. J. SUMNER: You misled the Council, quite clearly. You have deliberately chosen to give to the Chamber the figures set out in option A knowing that your steering group had this to say, and I will repeat it to the Chamber. Alternative B reflects the predictions of the steering group. In other words, the expert committee which the Government set up on this issue quite clearly predicted, gave to the Government the information, that there would be a $5 100 000 increase in revenue.

The Hon. K. T. Griffin: We obviously didn't accept it.

The Hon. C. J. SUMNER: That there would be a doubling of the offences predicted—

The Hon. L. H. Davis: And has there been a doubling?

The PRESIDENT: Order! Interjections are out of order and I do not intend to have any on this issue.

The Hon. C. J. SUMNER: The Government, on the other hand, decided in the information it gave to the Chamber to give that information under option A. Honourable members will recall from the second reading explanation of the Attorney-General, which I repeated to the Chamber, that he said that the current level of offences was 100 000 and that there would be administrative cost savings of something over $450 000, those are the figures in option A and those are the figures that were rejected by the steering group. There is a clear case of deception by the Attorney-General in his second reading explanation.

The Hon. R. C. DeGaris: What were the figures again in option A and option B?

The Hon. C. J. SUMNER: The figures in option B were 200 000 offences reported. The annual cost saving was $283 500. The annual additional revenue was $5 100 000. That is what the Government expected and that was not information that was given to this Chamber. In fact, the specific information that was given to the Chamber was the information in option A. Any honourable member who studies this table, studies those figures, and marries what is in this report to what was in the Attorney-General's second reading explanation must come to that conclusion. Therefore, the first charge is that, in the second reading explanation, deliberately misleading information was given to the Chamber. I do not believe that anyone could come to any other conclusion than that, following the insertion of those facts and figures in *Hansard*.

The second charge is that the Attorney-General, when this issue became a matter of public controversy, deliberately deceived the public through the letter he wrote to the *Sunday Mail* on 14 February responding to the accusations of Tony Baker and the member for Albert Park, Mr Hamilton, that what the Government had predicted for this scheme, what the Government expected from this scheme, was that there would be an increase of $4 000 000 in revenue. That is what Mr Hamilton said. He made that accusation quite specifically, and it was taken up in the *Sunday Mail*. A week later the Attorney-General responded, and I will repeat what he said in attempting to refute that accusation by quoting from the article which records the Attorney's letter, as follows:

> He says the scheme will yield a staggering figure of $4 000 000 in fines. What he does not say is that this amount would most likely have been generated during an average year if this scheme had not been introduced and all minor traffic offences were taken to the Magistrates Court. Approximately $5 000 000 was generated in 1981 in costs and fines.

A specific allegation was made by a member of Parliament and taken up by the press, and then the opportunity was given for the Attorney-General to refute that information. He did refute it and said that the $4 000 000 would not be additional to what was collected last year, that $4 000 000 is what is collected every year. He wrote that letter knowing full well that the steering committee's report, the working party report that I have shown to the chamber, had a prediction or estimation in it, the most likely prediction of the steering group being a revenue raising increase of $5 100 000. In that respect Mr Hamilton was conservative.

There can be no question, on the basis of that letter, that the second charge has been made out. The Attorney-General, in his so-called Ministerial statement, tried to say that the $5 100 000 was a prediction only and really should not be taken seriously. What sort of answer is that? It was a prediction, but it was the most preferred prediction of the working group that the Government set up to look into this scheme. The Attorney-General did not give that information to the Chamber when he introduced the Bill in February 1981.

There are other charges which can be laid against the Attorney-General. I believe that in his Ministerial statement yesterday he continued his deception by quoting out of context the situation in relation to the Opposition. He quoted from a Cabinet submission that I prepared asking for a committee to be set up to investigate the scheme. The Opposition makes no bones about that: the Opposition supported a properly organised on-the-spot scheme; there is no doubt about that. That is on the public record, but what we did not know at the time we supported it was the information that the Attorney-General withheld from the Chamber about the increase in the number of offences detected and the increase in revenue expected by the Government. The Attorney-General also did not say, although he must have known, what happened to that Cabinet submission.

That, to some extent, is irrelevant to the charge which is made here today. They were political points that the Attorney-General tried to score yesterday to pre-empt this motion. They are irrelevant, as I said before, because the Opposition has indicated its support for the scheme. The question, is, however, whether we would have approved the scheme in February 1981 had we known about the information which the Attorney-General had in his knowledge and which he did not disclose to the Chamber. Not only did he not disclose it to the Chamber but he disclosed other information which was deliberately misleading. I believe that in those two matters (first, deception in the second reading explanation and, secondly, the letter he wrote, to the *Sunday Mail* in which he clearly refuted the suggestion that an extra $4 000 000 would be made) the charge against the Attorney-General has been found proved.

The Attorney-General says that he has never denied that this scheme would allow the police to get away from paperwork and do more police work and therefore detect more offences and, presumably, get more revenue. That has been his defence in recent times. That statement does not appear in the second reading explanation. That statement only starts to surface when the controversy erupted over the past two or three weeks. There is no doubt that, looking at those two specific charges and the information I have provided to the Chamber, particularly in the second reading explanation, the Attorney-General's letter and the Cabinet documents which have been made available to the Parliament, the charges of misleading the Council have been clearly established and I ask honourable members to support the motion.

The Hon. FRANK BLEVINS: I strongly support this motion and urge the Council to carry it with only one dissentient voice, that of the Attorney-General. It gives me no pleasure to do this—

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: But I think it is necessary that the Council do this in an attempt to salvage something of what remains of the good name of politicians after this

quite disgraceful and scandalous episode that we have been subjected to by this Government and, in particular, the Attorney-General. When a Minister of the Crown is repeatedly caught out misleading Parliament and the public, it brings the entire Parliamentary system into disrepute and all members of Parliament with it. I think that should be condemned. Parliament should attempt to put its own house in order. When an offence of this nature is so clearly proved, Parliament should not turn its back on disciplining the member who has erred. For our own good name I think that is the least that we can do. When this measure was before the Council early last year I led the debate for the Opposition. I recently re-read my contribution and found that it was certainly up to my usual standard; I was very pleased with it. I stated quite clearly that the Opposition supported a system of expiation notices for traffic offences. I stand by that today.

The Hon. J. E. Dunford: You were right.

The Hon. FRANK BLEVINS: The Hon. Mr Dunford also stood up and supported the legislation, and I am quite sure that he will agree today that the system itself has a lot of merit. However, I certainly made a mistake during that debate, and I freely admit that mistake. The mistake I made, which I will never make again, was to trust the Attorney-General. I made the mistake of believing the Attorney-General and his second reading explanation. I assumed that all the facts about the legislation were contained in the Attorney's second reading explanation. When the Bill went into Committee the Attorney was questioned about the Bill and I believed his answers. Quite clearly, by omission and by not telling all the story, the Attorney-General misled the Council and, until as late as yesterday, he has continued to mislead the Council and the general public.

I would like the Attorney-General to acknowledge today what everyone in South Australia knows: that this was a revenue raising measure; that the Government knew that and did not disclose it to Parliament; and the Government has not yet admitted to the public at large that that was part of its intention. In a Ministerial statement yesterday which, by the way, was quite out of order—it was an abuse of Parliament, Standing Orders and the privilege of leave granted to the Attorney by the Council—the Attorney did not disclose any facts to Parliament (which is what a Ministerial statement is supposed to do). Instead, the Attorney argued a case in his own defence. He quoted very selectively some of the statements made by members of the Opposition when this legislation was before Parliament last year.

The proper place for the Attorney's comments was in the debate today. However, the Attorney-General, in my opinion quite out of order, debated the issue when he made that Ministerial statement. It was a complete abuse of Parliament and it was completely uncalled for. He knew that this motion was on the Notice Paper for today. If the Attorney had a defence to mount, and I believe he does not, the time to do it was right now and not by abusing Standing Orders. The Attorney began his Ministerial statement with the words, 'There has been considerable misplaced concern . . .' What has been misplaced about that concern? I think the concern has been completely and totally justified, because the people of this State are being subjected to a further taxation measure and they had a right to know about it. In fact, they had a right to know about it before the Bill passed Parliament, to enable them to have comment upon whether additional revenue should be raised in this way.

We have seen examples, and I referred to one during Question Time, of the way that this particular legislation has been given effect to by the Government and by the Police Force. Some of the examples have caused a great deal of concern to the public of South Australia. In fact, I commend the Adelaide *News*—

Members interjecting:

The PRESIDENT: Order! This is a serious matter. I hope honourable members will afford it the decorum that it warrants.

The Hon. FRANK BLEVINS: I thank you for your intervention, Mr President. Members opposite laugh at the mention of the Adelaide *News*. Whether we like it or not, generally speaking, that newspaper occasionally reflects the opinions of the people of this State. On occasions, not always, it brings into the public forum issues that quite rightly should be debated publicly. I commend the Adelaide *News* for the way that it has aired these problems and attacked this Government. Members of this Government, who are laughing and sneering at the mere mention of the Adelaide *News*, were put into office by that paper. This Government is a creature of the Adelaide *News*. Government members should be grateful to the *News* instead of sneering at its name. I certainly do not do that. On this occasion the Adelaide *News* has played a role in the community for which we should all be grateful. It has made persistent attempts to get the truth out of this Government. Of course, with the aid of the Opposition, it finally brought the truth of this matter before the public of South Australia.

Before it introduced this legislation into Parliament the Government received several documents and reports. One report was submitted by a working party appointed by the Government after it came into office. The report was presented to the Government in March 1980 and, in part, states:

> The benefits of the proposed system will be maximised if as many offences as possible are included, and it would be feasible to include most minor offences under the Road Traffic Act and regulations, and some minor offences under the Motor Vehicles Act.

Under the heading 'Potential benefits of the proposed system', the report states:

> One of the major benefits of the proposed system is that it would result in a significant improvement in the effectiveness of police.

Quite clearly, the Government was informed of that before it introduced this legislation. However, the second reading explanation did not mention the number of offences anticipated. If that is not misleading Parliament by omission, I do not know what is. Under the heading 'Effect on Government revenue' the report states:

> A sample of the fines and fees imposed by the Adelaide Magistrates Court indicates that the fines and fees presently imposed would be approximately the same as the proposed expiation fees.
>
> It is anticipated that the number of traffic offences reported will increase from the present level of 94 000 per year to 188 000 per year, a 100 per cent increase. It is estimated that 175 000 matters or 93 per cent will be handled by the new system. During the 1978-79 financial year the total amount received by the courts in fees and fines was $7 900 000. Unfortunately, this figure includes all offences and no detailed breakdown is available. It is conservatively estimated—

I stress conservatively estimated by the Government's own working party—

> that 65 per cent of the fees and fines would have been for traffic offences. Therefore, the proposed system would result in an increase in revenue of approximately $5 100 000 per annum.

The Government had this report prior to the introduction of the legislation and prior to the preparation of the second reading explanation. I repeat:

> Therefore, the proposed system would result in an increase in revenue of approximately $5 100 000 per annum. Further, based on interstate experiences, it is anticipated that there would also be a much quicker turnover of revenue as 80 per cent of persons receiving infringement notices will pay expiation fees within the proposed period of 28 days.
>
> The introduction of an expiation scheme as proposed in this report for minor traffic offences is desirable and feasible. It would have a marked effect on the efficiency of traffic police, improve

driver behaviour, provide benefits to offenders, and result in manpower savings in the Police Department and Law Department. It would also have the effect of increasing Government revenue by more than $5 000 000 per annum.

There cannot be a clearer statement than that: that information should have been given to the Parliament and the public of South Australia in general so that they could judge whether this backdoor method of taxation was appropriate.

Yesterday, the Attorney-General, when he made his Ministerial statement (a statement under the guise of a Ministerial statement), quoted from *Hansard* of last year. He purported to quote from a speech I had made on 17 February last year. I do not know who prepared that particular Ministerial statement for the Attorney-General, but whoever did could not even read the date. The date was not 17 February at all: it was 24 February, but that is by the by. Yesterday, when the Attorney-General was quoting me, he said:

The Bill, if passed, will bring South Australia into line with all the other States and, as far as I can see, this concept of an expiation fee for certain traffic offences works quite well.

That is correct; it is an accurate quote. But, this was also a selected quote. The Attorney-General did not go on, as any fair person would, and quote other parts in that particular speech. For example, I pointed out that I would not like to see offences of this nature (traffic offences) in the same category as parking fines. I said that I did not want the police to be seen merely as parking meter attendants (they probably have a lower public image than have members of Parliament).

I was interested to see the other day on the front page of the Adelaide *News*, when performing its public service in this area, that the Police Federation was very concerned because its members were being held in no higher esteem than were parking inspectors. This particular part of the discussion was specifically referred to by me. During the second reading stage on 24 February (after outlining that one of the reasons I thought that the Government was introducing this was to save the dollar and I said that it would do anything to save a dollar) I said:

This kind of argument can be settled only by trial, so the Opposition will support the second reading, but we have reservations about the Bill, and we will monitor the results over the years to see whether what we fear may happen does, in fact, happen.

We were quite correct, but it did not take years to monitor the proposition; it only took a month. At the end of that month this Government had made such a hash of this proposition that the whole of South Australia was up in arms about it. To this date the Government has not come clean about this question of revenue raising. It has made some attempt to control the police a little more and get them to return to using the discretion they used so well prior to 1 January this year and prior to the introduction of this scheme.

Finally, the Government was sufficiently sensitive to the outcry that occurred in South Australia to do something about it. I object strongly to the Attorney-General, in that blatantly out-of-order Ministerial statement yesterday, quoting me selectively as if I gave unqualified support to the Bill. I gave unqualified support to the principle behind the Bill, but certainly did not give unqualified support to the way the Government is administering it. I also did not give unqualified support to the Government using this as a revenue raiser.

For the Government to attempt to use both me and the Leader of the Opposition in another place in this manner is, in itself, attempting to mislead the Parliament. We expect something better. In the Attorney-General's Ministerial statement yesterday he made other misleading statements. One minor misleading statement, but nevertheless itself an indication of the slackness with which this particular document was thrown together, was when, after quoting something I had said, he said:

Of course, he overlooked the fact that for serious traffic offences the offender would still incur demerit points.

Obviously, whoever prepared that information for the Attorney-General did not read my second reading speech on this carefully enough, because I stated in several places that the demerit point system would continue and would work in conjunction with this. I also stated:

There will be no recording of convictions, although points demerits will remain.

To attempt to mislead the Parliament in that manner is unworthy. Another more serious part of the Attorney-General's statement yesterday was misleading. He got into bother with the Chamber because it was obvious to the Chamber that the Attorney-General's Ministerial statement completely and totally abused the right to make a Ministerial statement by using selective quotes to put an argument to the Council. This, in anybody's eyes, is an abuse of a Ministerial statement.

So, the statement that the Minister actually gave to the Council did not correspond in one significant part with the statement circulated in the Council. What is different in the statement that the Attorney-General circulated is what he intended to quote from the Leader of the Opposition in another place. After the furore brought about by the abuse of his Ministerial statement, the Attorney decided to drop from his statement the selective quote. What was he going to say? I intend to show how the Attorney intended misleading this Council by quoting what he intended to say, as follows:

Mr Bannon in another place also supported the legislation. Almost one year ago on 3 March 1981, he said—

At least the date was correct, unlike the quote made in relation to me; whoever prepared this statement to some extent lifted his game and at least got the date correct. The Attorney started to quote Mr Bannon as saying:

Any action taken which means that police time is not tied up in minor road traffic offences, so that police officers are released for their primary job of detection and pursuance of major crime and other offences, is to be welcomed . . .

I now refer to something which the Leader of the Opposition in another place said, but which was not to be quoted, and I refer to page 3417 of *Hansard*, as follows:

The other aspect of it, and I guess a counter-argument, is that, although it does save police time and court time, it could be abused.

A list of possible abuses was given. It was certainly not unqualified support, but the way it was to be presented by the Attorney-General was to give the appearance that it was unqualified support by the Leader of the Opposition in another place. The Attorney intended to quote Mr Bannon, as follows:

The evidence appears to be that on-the-spot fines reduce the number of traffic infringements coming before the courts, and there is no doubt that a lot of paper is generated; there is a lot of time wasted in the courts, apart from the time of policemen in filling out and finalising formal reports that could be done away with. As with parking offences and other areas where expiation fees apply, I think one could see it as of overall benefit to the public.

That was what the Attorney intended to quote yesterday. It is an accurate quote, but it is most selective, because the Leader of the Opposition in another place—and I will complete the statement that the Attorney-General did not intend to quote stated:

The only qualification I make is that one would hope that the motivation behind the Bill is not primarily that of cost saving. When we look at our justice system, with offences, be they minor traffic offences or major criminal offences, we have many checks and balances built into the system, and they tend to be costly, but to preserve the rights of the citizens the community must pay, and

that is why we have such an elaborate system of justice. It is important that, if the rights of persons are being done away with—and in a sense that is what this legislation does—we are doing it with motives not simply linked to cost or expense. I think that the great stress laid by the Government in the second reading explanation on the whole cost area somewhat distorts the purpose of the legislation, and that is a pity.

In other words, if it can be seen as legislation of which the public will approve because it is a way of solving an offence situation with the least possible trouble, and if it can be seen as saving the time of police and generally helping the regulation of traffic and traffic offences, that is fine, but to see it as a cost saving method would be wrong in general principle. That is an ancillary or attached benefit.

The invitation was given to the Government to respond. The Opposition made clear that it did not want matters of cost coming into this matter as the prime motive. Not only did the Government not say that the saving of money was not the prime motive; it also did not say, when it should have done so after the Leader's invitation, that its prime motive was to raise $5 000 000. It knew, because it had been put before the Government that $5 100 000 would not be saved but would be raised on top of what was already raised.

How can the Government get out of that? It had an invitation from the Leader of the Opposition to respond to the question of costs, and it chose not to do so. To this day, it has not come clean and been willing to say that it was aware of the $5 100 000 that it was expected would be raised, and that it thought it would be worth while to do that. After all the evidence that has been presented to Parliament and disclosed in the press and in the Government's own document, that a considerable amount of revenue will be raised, still the Government will not concede that Parliament and the public generally should have been told.

If that is not deceit and deception, what is it? To some extent it is even worse than lying. Outrageous lies can be caught out, as has happened more often than it should have in this Council, especially in the past couple of weeks. Outrageous lies can be detected swiftly, but this sly deceit by omission is much more difficult for the Parliament to ferret out; it is much more difficult for the press to ferret out. In the end, though, it all comes out. To coin a phrase—chickens come home to roost. I imagine that on this issue the Government has lost hands down. Certainly, at least 12 000 motorists, the overwhelming majority of those who were issued with traffic infringement notices in January, are pretty hostile with this Government, which will pay at the next election for the way in which it bungled and mismanaged what had all the expectations of being a reasonable proposition.

Why? Because it has not been willing to honestly state what was the intention of this measure. Unless the document had been leaked to the Opposition and the press, it would never have come out, because obviously this Government would never have admitted that that document existed and that it knew that $5 100 000 was going to come to Treasury. The leaking of the document was the only way that one could get the truth. The only way to get the truth is to expect some public spirited public servant to bring into the daylight all these skeletons that are in the cupboard of this Government—and public servants are doing it constantly. The number of documents coming to the Opposition is constantly increasing.

I believe that the Attorney-General should be removed from office immediately. It is a shame that Parliamentarians have to be dragged from office by resolution of this Parliament. If there was any deceny left in the Attorney, he would have resigned; it should not have taken a resolution of this Parliament to remove him. It is an absolute disgrace to the person concerned. If there was any decency at all left in Parliament, the Attorney-General would have resigned in an honourable and decent manner, but, of course, we cannot expect that.

The Hon. J. E. Dunford: He might.

The Hon. FRANK BLEVINS: After this speech, I think he might. We have witnessed, over the past few weeks, deceit and duplicity on a grand scale. The motorists of this State, who are already milked from the Treasury coffers for as much as they can pay, if not more, have been hit by a further taxation measure. The Government is extracting from the motorists a further $5 000 000, and they cannot afford it. They should not have to put up with that unless approval for it has gone through Parliament in a clean and honest manner. The Government should let the people know how it is going to rip them off.

In the past few weeks, we have seen examples in this Council of the Attorney-General, on another matter, the stamp duties legislation, giving misleading information to Parliament when he stated that the levy he was removing could not be passed on. The Opposition again tried to prevent the Government from doing that and tried to protect the public, but the Government told Parliament that the position was nothing like that and that it was fair and above board. This Government has deceived the people of South Australia. It is a totally incompetent Government that has bungled an issue—the on-the-spot fines—that had the full support of all sections of the community. It has made a complete and utter hash of that issue.

If the Attorney does not feel that his deceit of the public and of Parliament is sufficient reason for resigning, the bungling is apparent and highlighted, and on that issue alone he should resign. I think the case against the Attorney-General has been made out beyond any reasonable doubt. No reasonable person in South Australia could take any view other than that he has been conned by this Government. Any Minister who engages in deceit of the public on such a grand scale as $5 000 000 is absolutely unworthy of being a Minister of the Crown, and this motion should be carried unanimously. I support it as strongly as I can.

The Hon. K. T. GRIFFIN (Attorney-General): I am appalled at the hypocricy and political opportunism displayed by members opposite in their attitude towards the traffic expiation scheme. Members opposite were the ones who supported the scheme when the Bill was before us. The Leader of the Opposition supported it, when, in the dying throes of the previous Government, he made a submission to Cabinet for the establishment of a working party, outlining what he believed to be the benefits of this scheme. Now the Opposition seeks, cynically and in a spirit of political opportunism, to embark on a crusade of criticism, hanging on to the shirt tails of the Murdoch organisation. A colleague will speak on that matter to remind members of this Council of the attitude of members opposite to that organisation on other occasions.

Perhaps it is not atypical that the Opposition on this occasion is relying on a leaked or stolen document. It has happened in the past and no doubt it will happen again. The Opposition has selectively distorted the emphasis of that report. I categorically deny that I have at any time misled the Parliament or the people of South Australia in respect of this or any other matter. The traffic expiation scheme has come in for criticism in a few selected quarters in respect of what is a mere handful of complaints about the operation of the scheme in its first three months in South Australia.

In all States of Australia a similar scheme is in operation. New South Wales is the State that most recently introduced the scheme. Something like 100 principal offences are covered by the scheme there and in that number about 48 sub-offences are included. Western Australia has more offences

specifically in its traffic expiation scheme than has South Australia. We have 109 principal offences, some of which, for the purposes of the scheme, have been subdivided into sub-offences, and there are 77 of those, making a total of 186. Although Victoria has only 20 offences, that State's scheme was introduced many years ago when only manual handling of the scheme could be undertaken. The New South Wales, Western Australian and South Australian schemes are operated with the benefit of substantial computerisation.

In other States, the scheme has worked well, as it has worked well here and as it will work well in future. The Government acknowledges that, in the past few weeks, a sensational campaign by a section of the media has focused on some minor matters in an attempt to discredit the scheme, but that is the trap that the Opposition seems to have fallen into, in that it has relied on that criticism as the basis of its attempts to distance itself from statements made last year when the Bill was before Parliament and from the Leader's own concept of a traffic expiation scheme in 1979.

Members will recall that, in a statement I made to the Council yesterday, I said that a number of decisions had been taken by the Government, with a view to dealing with that minor handful of matters which has been raised and on which so much attention has been focused. I indicated that the Acting Police Commissioner (Mr Giles) had decided to reissue the original operating instructions that were given to police officers before the implementation of the scheme, with a view to re-emphasising the need for cautions to be given in cases that were not serious enough to be the subject of prosecution or traffic infringement notice. The Acting Commissioner also indicated that he was amplifying guidelines to all police officers with respect to the exercise of discretion, and was going to ensure that pedestrian, cyclist, and stationary vehicle offences draw cautions from the police, except in circumstances of danger. He said he would continue to provide that defect notices be used in preference to traffic infringement notices in all cases except those of culpable neglect.

The Hon. C. J. SUMNER: I rise on a point of order, Mr President. In fairness to the Chamber, this was information given yesterday. It relates to the Government's proposals to revamp or review the traffic infringement notice scheme. I do not want to stop the Attorney-General from developing his argument, but the motion before the Chamber is that the Attorney-General misled the Council, and I have placed before him two charges. That, to my mind, is what the Attorney-General should be directing his attention to.

The PRESIDENT: I do not think that a point of order is involved in what the Leader is putting. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: That point of order reflects the attitude of the Opposition.

The PRESIDENT: I remind the honourable Attorney that it was not taken as a point of order and ask him to continue with his remarks on that subject.

The Hon. K. T. GRIFFIN: With respect, it was taken as a point of order. The attitude of the Opposition in attempting to prevent me from dealing with this matter in its proper context is typical of its attitude to traffic infringement notices. What it is trying to do is make a criticism out of all context. Opposition members are using selectively and in a distorted fashion information which came from a working party report in March 1980. The point which the Leader just took reflects the attitude of the Opposition, and reflects the fact that it is making this criticism in a selective manner in an attempt to get itself off the hook of having once supported this scheme. In fact, the Hon. Mr Blevins earlier indicated that he still supported the scheme. I am not sure what he would have done had he had the working party's report. I suspect that he would have proceeded with the scheme.

The Hon. Frank Blevins: No.

The Hon. K. T. GRIFFIN: No?

The Hon. Frank Blevins: You are asking, and I am telling you. You are stealing $5 000 000.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Fortunately, the Opposition will not have an opportunity to put into effect any of its concern about this matter for many, many years to come. I was detailing some of the matters to which I referred yesterday and to which it is quite proper for me to refer in this debate because they put into proper context the criticisms which have been made by the Opposition. I was about to indicate that the steering group, which comprised the representatives from the Transport, Courts and Police Departments, would be reconvened with a view to reviewing and reporting on the implications and difficulties associated with the issuing of traffic infringement notices for more than one offence, the removal of anomalies which exist with parking offences that are covered under both the Road Traffic Act and the Local Government Act, and the need to review some offences which were included under the scheme and which appear to be of a trivial nature.

I indicated, also, that the Minister of Transport told me that he would call for an urgent report from the Registrar of Motor Vehicles on the effect of traffic infringement notices on the points demerit, learners permit and probationary drivers' licence schemes. They are the issues which have been raised in the public media with respect to the traffic infringement notice scheme and they are but minor difficulties which the scheme has met in its first two months of operation. Those difficulties are now being addressed by the Government directly and by officers of the Police Force with a view to ensuring that, if there have been any misunderstandings, they will be resolved at the earliest opportunity.

At one stage earlier the Hon. Mr Chatterton interjected about a bald tyre reported in the media. That matter has gained a bit of prominence in the media recently—a bald tyre on a bicycle. Let me elaborate on that case because it reflects on the difficulty which everyone faces in focusing on one aspect of a complaint—all of the facts of each case need to be known to be able to determine whether or not a traffic infringement notice being given to an individual in a certain case has been justified or not because the selective use of only certain facts can be quite misleading.

I will cite to the Council the case of the bald push bike tyre. The offence occurred at about 1.20 a.m. on Friday 9 February 1982. Two constables were giving attention to a disco at Woodville Football clubrooms when they had occasion to speak to two youths about their unruly behaviour. Consequently, both youths were ordered to move away from the area. As they complied, they took with them a bicycle which was not fitted with lights and had other defects. The two constables advised one of the youths against riding the bicycle. Both youths had been drinking and were inclined to treat the matter as a joke.

A short distance along the road both youths mounted the bicycle and this fact was passed on to a nearby patrol. The two officers on patrol saw the two youths, with one on the crossbar, riding along Oval Avenue, Woodville. The bicycle was not showing lights and was not fitted with a reflector, brakes or a warning bell. On being stopped, one of the youths treated the matter as a joke, and told the police it was stupid and that they could not do anything about it. One of the constables gave the youth pedalling the push bike a traffic infringement notice for three offences. The first two were correct. The third was for a bald tyre and

was incorrect, as it was not an offence. Consequently, the infringement notice was withdrawn when the error was detected during routine vetting procedures. That reflects on the selective use of a particular fact in respect of this case. I am sure that, when people know the full facts, the seriousness of the case emerges.

There is another matter which I have suspected may be raised in Parliament at some time but which has not yet been raised. However, let me pre-empt it in case it is. It is in respect of a bald car tyre. A defect notice as well as a traffic infringement notice was recently issued to a motorist who had bald tyres. It is normal police departmental policy for only a defect notice to be issued to a motorist who has defects in his motor vehicle. However, the motorist concerned has complained that he was treated abnormally in being issued with a traffic infringement notice, as well as a defect notice. The circumstances of the case show that there was a greater degree of culpability than normally exists. On the left front tyre the constable who issued the notice observed that there was no tread pattern at all, with the canvas and steel webbing showing. On the right rear tyre the tread had in fact lifted off the canvas and steel and he could push a biro between the base and tread to the depth of about half of its length. Quite obviously, that is a proper case for not only a defect notice but also a traffic infringement notice.

The motorist contacted the Police Department requesting that the traffic infringement notice be withdrawn. However, in view of the aggravated circumstances, the request was refused. They are but two cases which, put in proper context, demonstrate that a quick judgment cannot be made without considering all the facts. In the quick judgments which have been made publicly I hope that those two cases in particular will alert those responsible for drawing attention to these matters that all the facts must be considered, and that often there are two sides to a case and not just the one made by the person who is complaining.

The Leader has relied on selective information from the working party's report of 1980 and attempted to use that as the basis for criticising me and the Government for the implementation of this scheme. He is suggesting that the reference to the working party's prediction was, in fact, a prediction which the Government supported. The Leader of the Opposition knows that Governments do not rely unequivocally on all working party reports presented to them. Each Government has a mind of its own and each Government makes its own assessment of material which comes before it before reaching a conclusion on the course of action that should be taken. This case is no exception.

The Government received a working party report in March 1980. That working party was established in October 1979. The report made certain predictions and reached certain conclusions. The predictions were speculative, based on a number of unknowns. In essence, they were guesstimates of what might be the case if the scheme were implemented. They took into account the experience in New South Wales where, in the first few months of operation of a similar scheme, the number of reported offences doubled. In South Australia, in January at least, we have seen that the prediction of the working party is not nearly accurate. In fact, we have seen a 30 per cent to 40 per cent increase in the first month of operation of this scheme.

The Hon. L. H. Davis: That's a bit different from 100 per cent.

The Hon. K. T. GRIFFIN: Yes. The full year's effect of the implementation of this scheme remains to be seen. The Government relied on clear assertions and its own assessment of interstate experience that there would be a substantial saving in costs if this scheme were implemented, and that there would also be a substantial saving of police time, not only to police on the road, but in the administration of the Police Force and in the administration of road traffic offences. The Government assessed that there would be a considerable saving in administration time for the courts and that there would be a substantial saving in the sitting time of the courts if about 60 per cent of offences were expiated.

In reaching the decision whether or not this scheme should be implemented, it is clear that the Government preferred to adopt a cautious approach and relied on information in the working party report on the basis of caution rather than extravagance. That was made clear in my second reading explanation where I referred to the projected savings if the scheme came into effect. Caution is appropriate in this instance, and that has been demonstrated by the January figures at least. That caution is also demonstrated in my second reading explanation where I identified possible savings. The Government preferred to emphasise those matters to which I have referred and which will result in greater police effectiveness and a greater policing of the roads which, indirectly, was expected to have some impact on the road toll in South Australia.

No-one can deny that the majority of offences that can be expiated are serious offences. No-one can deny that even the balance of those offences can, in certain circumstances, create dangerous situations. The object of having so many offences in the schedule to the regulations was to ensure that the Police Force would be able to exercise discretion in appropriate cases, give warnings where appropriate and traffic infringement notices where appropriate, particularly when situations of danger are created or are likely to be created through the actions of, for example, pedestrians or cyclists. Certainly, discretion needs to be exercised by the officers who administer the scheme at street level. That was the emphasis of the Police Commissioner's operational directive which was issued before the scheme was implemented and which will be reissued.

The Government has no doubt at all that the scheme contains significant benefits for the community, for the police and for the courts. The working party itself recognised that fact. In fact, the working party concluded that one of the major benefits of the proposed scheme would be a significant improvement in the effectiveness of the police. As I said yesterday, the report also emphasised improving driver behaviour by taking minor offences out of the courts and making the penalty more immediate for the offence, rather than the penalty being imposed by the courts perhaps some months after the offence was detected. It also referred to staff and cost savings and benefits to an offender. If there are other means by which the Government can relieve some of the pressure on the courts, it will certainly investigate them.

In many cases that go before the courts the offender should be dealt with in some way other than being put through the trauma of a court appearance, provided that the rights of offenders are not prejudiced. The rights of offenders are not prejudiced by the traffic expiation scheme. It is all very well for some people to brush that aside and say that people will not go to court. The scheme is designed to allow people to go to court if they think that an offence is trivial and it is not withdrawn during the screening process established in the system.

The Leader also referred to an article by Mr Baker following several questions raised by Mr Hamilton. At no stage could my response in that article be construed as misleading the public of South Australia. In that article Mr Baker and Mr Hamilton referred to a $4 000 000 yield from the scheme. The article states:

> But talking of taxpayers' money, he has calculated the on-the-spot fines for traffic offences introduced with the new year are likely to yield an annual $4 000 000.

The article does not bother to examine the logic of that statement, nor does it bother to examine the other aspects which must be taken into account when calculating the likely revenue that will come from the detection of road traffic offences. The article is vague and misleading. The answer that I gave was quite appropriate for the limited point that was made by Mr Baker. Mr Baker and Mr Hamilton between them seemed to rely on some of the so-called trivial offences, only a handful of which have been disclosed by the media in the past few weeks. I do not deny that some of the offences detected might be trivial. However, one should examine all of them in context. There also has been an attempt to link the introduction of the traffic infringement notice scheme with the police wearing hand guns and with random breath testing.

The Hon. C. J. Sumner: Who has done that?

The Hon. K. T. GRIFFIN: One or two of the media have been attempting to suggest that the introduction of those initiatives is linked with the traffic infringement notice scheme. This has been done to bring the Police Force into disrepute. I do not accept that for one minute. I will not be persuaded that that is the case. The Police Force in South Australia has the highest respect of members of the community, probably the highest respect of any Police Force in Australia. I do not believe that any of these matters to which I have referred will in any way lower the esteem in which the public of South Australia hold members of the Police Force in this State.

I once again categorically deny that I have either directly or indirectly misled the Parliament or the public. I categorically deny that the scheme ought to be seriously questioned. I categorically deny that there is anything basically wrong with this scheme. I categorically deny that there is any reason at all to do anything to review the operation of the scheme along the lines to which I referred in my Ministerial statement yesterday and to which I referred at an earlier stage during my speech on this motion.

The Hon. C. M. HILL (Minister of Local Government): The Attorney-General has answered the charges made against him by those who have moved and supported this motion from the other side of the Chamber. The detail that the Attorney-General has just given to the Chamber should amply satisfy the Chamber that, indeed, there is no strength and no truth in the charges made earlier today and, as far as I can see, the sooner this Chamber throws out the motion and gets on with the important business of the day that is on the Notice Paper, the better. There is no doubt that members opposite wanted the scheme of on-the-spot fines. They supported the Bill, and for them now to be doing double somersaults as they have is, as has been mentioned by the Attorney, hypocrisy and a cynical approach for them to adopt. It is political opportunism of the worst kind; it is degenerating into trying to simply score political points. Even if we do not like some of the aspects of the on-the-spot fine system and even if there are improvements that have to be made in regard to the scheme itself, that is a separate matter entirely from the motion that is now before the Chamber.

The motion now before the Chamber is that the Attorney-General misled this Council and the public. The Attorney has answered the charge and answered it extremely well. For him to be attacked as he has been for making a Ministerial statement in this Chamber yesterday is quite ridiculous. For the Hon. Frank Blevins to charge that the prime motive for introducing this measure originally was to gain $5 100 000 in revenue is completely wrong. The motion is an attack on the integrity of the Attorney-General.

The Hon. J. R. Cornwall: He hasn't got any; that's what the motion is about.

The Hon. C. M. HILL: He has absolute integrity, and the attack upon him is unjust, unfair and false. On this side of the Council we, and the public (and members of the Opposition know it in their hearts, but they will not admit it) know that the Attorney is a man of unquestionable honesty. The Attorney-General would never mislead the Council or the public. He is a person of unblemished character and a person with integrity of the highest order. The sooner we throw out this motion and get on with the business of the day, the better.

The Hon. J. R. CORNWALL: I rise in both sorrow and anger to support this motion. It is significant that the Attorney, in a long, rambling, boring reply to the matter before us, completely avoided the point. The whole point at issue in this debate is whether or not the Attorney has deliberately misled the Parliament and the public of South Australia. This is not a debate about on-the-spot fines: let us all be clear on that. Yet, the Attorney went on and on talking about the scheme. It is not my intention to do that because it would not only be incorrect but would also take up the time of the Council unnecessarily. If we want to debate the question of on-the-spot fines and the furtive and strange manner in which the Government introduced the scheme and produced something like 180 different offences, let that be an issue to be debated at another time.

What we are now talking about is the Attorney's deliberate attempt to mislead the Parliament and the people of South Australia. This is the most serious motion that we can move in this Chamber. As members know, Governments are formed or defeated in the House of Assembly and it is not possible in this Chamber to move a motion of no confidence in the Government. The next most serious motion that can be moved is against the Leader of the Government in this Upper House. That is what the Opposition has been forced to do today because of the overwhelming evidence that has been presented to us, that the Attorney has misled the Chamber.

I do not intend to go over all of the matters which have been adequately covered by my Leader, the Hon. Mr Sumner, and by my colleague, the Hon. Frank Blevins, but I will say that at best the Attorney's performance on this and many other matters has been consistently dissembling and misleading. He has consistently, since he has been Leader in this Chamber, attempted to be too clever by half: the Premier by proxy. At worst, the Attorney's performance clearly involved deceit and dishonesty. That has been clearly documented in the report which my Leader, the Hon. Mr Sumner, produced today. What the Government was about was the introduction of a new and substantial tax through the back door. What concerns me more than anything is the question of credibility. Every survey that is done in this day and age by both major Parties and by independent surveyors shows that at this moment politicians, in South Australia in particular and in Australia generally, are held in very poor regard by the public.

The Hon. K. L. Milne: That is not surprising, is it?

The Hon. J. R. CORNWALL: It is not surprising at all. I am pleased to hear the Hon. Mr Milne say that. Time and time again it is shown that the public of South Australia believes that we have reached an all-time low with this Government; that politicians show an amazing, consistent and despicable lack of ethics and consistent dishonesty.

The Hon. M. B. Cameron: Who is talking?

The Hon. J. R. CORNWALL: I am talking. I am saying this because it disturbs me enormously. Some of us decided to enter public life because we genuinely thought, with a spirit of altruism, that we might have something to offer.

Members interjecting:

The Hon. J. R. CORNWALL: There is the cynicism of Government members, laughing and chuckling; they think it is very funny to talk about altruism in public life. They apparently regard it as a matter for great humour, that anybody should stand up and suggest that we ought to get back to the standards of decency that the public expects from us. I, for one, came into this place (and I say this was absolute and complete truth) from a spirit—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: There is that nasty, funny old man sniggering on the back bench, having been 20 years in this Parliament—

The PRESIDENT: Order! The Hon. Dr Cornwall has the call, and I ask him not to reply to interjections. As I will do my best to see that they are kept to an absolute minimum, I expect the honourable member to do that.

The Hon. J. R. CORNWALL: I came into this Parliament with a spririt of altruism, with a belief that I might have something to contribute to my Party. I am completely loyal to my Party, and I have been loyal at all times because I believe it is a great political Party. I believed that I had something to contribute in public life to and for the people of South Australia. Let it be noted that I gave up a far more substantial income and a greater degree of security than I enjoy in this place to do so.

I believe that those of us who came in under those circumstances, because we thought we might be able to do something for the State, are entitled to be absolutely abhorrent of the behaviour that has been shown persistently in this matter by the Attorney-General. I know that in these matters the Hon. Mr Milne agrees entirely with me. He and I have had our *contretemps* from time to time, but I would be perfectly happy—

Members interjecting:

The PRESIDENT: Order! We must not get the Council into too big an uproar. It could happen easily, and I ask honourable members to observe discretion.

The Hon. J. R. CORNWALL: I was saying seriously (because I regard this, as I said at the beginning of my speech, as the most serious action the Opposition can take) that the Hon. Mr Milne and I have had our *contretemps* in the past. I believe that the Party to which the honourable member belongs is something of an opportunist Party, but there is no doubt—

The PRESIDENT: Order! I must bring the honourable member back to the motion.

The Hon. J. R. CORNWALL: Why did you not bring the Attorney back into gear? He did not speak to the motion at any time and you, Mr President, let him go on and on.

The PRESIDENT: Order! The Hon. Dr Cornwall will come back to the point of the debate.

The Hon. J. R. CORNWALL: I am on the point of the debate because, Mr President, with respect, I am talking about decency in public life and, surely to God, that is what this motion is about. I was about to say, when I was interrupted, that I know that the Hon. Mr Milne came into this place with exactly the same intentions and the same sort of spirit that I did, and because of that I believe, and I think I know, that he will support this motion because it is the most significant step that we have been able to take in the past decade to restore decency and honesty to Parliamentary and public life in South Australia.

The Hon. M. B. CAMERON: I do not support this motion, which I regard as one of the most cynical and politically motivated motions that has come before this Council in 10 years. I wish to congratulate the Attorney on the way in which he has responded to this particular legislation when small faults obviously arose. He has taken immediate steps to rectify the situation, but what has occurred is that a section of the media in this State has decided that it has to sell newspapers and it has set out on a campaign, the like of which we have seen previously on many occasions.

I have been staggered that over a period one can build up some respect for members of the Opposition concerning their probity and the fact that they are reasonable people. The Hon. Mr Blevins used to fall within that category as far as I was concerned. I did not regard him as one of those members on the other side who did not have any probity in this Council, but it has all gone today, because he has been hanging, as the Attorney said, on to the coat tails of the Adelaide *News*. He has been grovelling while hoping that the *News* will carry on with the campaign it has launched against this scheme. I would like to quote the honourable member, although I apologise if I did not get his exact words; sometimes it is difficult to get him down, but this is what he said:

> I commend the Adelaide *News*.

He further stated:

> Whether we like it or not, this newspaper reflects the opinions of the people of this State.

I refer to some of the previous comments of the Hon. Mr Blevins who is sure to enjoy it and, because he is touchy about being quoted, I will quote his complete comments and he will have to put up with it. I would normally exclude some comments, but I will now quote all of what he said on 23 October 1979, when the Hon. Mr Blevins stated:

> We all know what actually happens, such news is either ignored or distorted to reinforce the political bias of the paper concerned. Media managers are in the main very clever. They have certainly won the propaganda battle question over whether or not we have a free press. Most people believe that we do, and I will concede that in one way that is correct. The press is free in most capitalist countries.
>
> In those countries the press is free—free to lie, to distort, publish trivia and exclude serious issues. They do these things very well indeed, and no paper I know does it better than the Adelaide *News*, unless it is the *Sunday Mail*.
>
> There have also been some rather harsh words said about the editorial staff and the journalists of the *News* and *Sunday Mail*. It is suggested that somehow these employees should protect us from their employer Rupert Murdoch, that they should take an impartial view of events, and report and publish accordingly. This is totally unrealistic. It has to be remembered that, no matter what the owners say about giving editorial freedom, of freedom to print or not to print anything they like, the hard facts of life are that these employees can be sacked any time Murdoch likes. Because of this the editor makes sure that nothing goes into the paper that could in any way offend the publisher.

I will leave out some of the quote here, because I do not want to embarrass the Hon. Mr Blevins too much.

The Hon. Frank Blevins: Read it all.

The Hon. M. B. CAMERON: I will go on at the urging of the honourable member, who stated:

> There has been talk in Labor circles of organising a boycott of the *News* and *Sunday Mail*. I would find it difficult to agree to this for two reasons. The first is because I have not bought a copy of the Adelaide *News* in 15 years, and it is difficult for me to boycott it any further. Sir, I have not bought a copy in 15 years, not because of its political bias (as I have said, all papers are biased one way or another) but because it is just a lousy, worthless paper. Its only rival as one of the worst papers I have ever read is the *Sunday Mail*.

He went on to state:

> I believe that the capitalist press would tolerate some form of censorship, provided the censorship is right across the board and ideas that oppose the capitalist ethic were also censored. Mr President, I have always believed that censorship is anti-working class and anti-socialist and an insult to the intelligence of ordinary men and women, since it implies that they cannot be trusted to hear or read certain ideas and are incapable of making rational judgments on the merits of rival ideas. The answer to the *News* and *Sunday Mail* is not to organise a boycott but to organise for a press that is biased in favour of the working class...

This is the same man who, a short time ago, said, 'I commend the Adelaide *News*' and, 'Whether we like it or

not, this newspaper reflects the opinions of the people of this State.' If ever someone misled the Parliament it was the Hon. Mr Blevins a few moments ago. He should never have got up on this motion, because he completely contradicted what he said only a few moments ago. He has tried to grovel to the Adelaide *News* because he believes it might at last be coming around to do something that might assist him. He destroyed completely his credibility and his argument. One can throw it out of the window, because it is the worst example of a misleading statement that I have ever heard.

The Hon. Mr Sumner made the most boring speech that I have heard in this Council. One would expect to hear a little fire but he droned on and on and tried to say that this position had arisen where we found that we were going to get more revenue from the so-called on-the-spot fines (a very dangerous way to describe the legislation). The Attorney made plain that the Hon. Mr Sumner knew full well, even when he was in Government, that it would lead to greater revenue. It was obvious that that would be the case because, if we do not have police tied up in court with all this trivia, more offences will be detected and there will be more revenue.

The whole implication of what the Hon. Mr Sumner said was that this was somehow a big surprise. That is not the case. He tried to say that, because the *News* has picked up perhaps 12 cases out of 20 000 where there may have been over-zealous behaviour by the police, this is a great problem in the community. The matter has been built up into a campaign, and this is not the first time I have seen that happen. I do not normally complain about the press. That is not my method of approaching politics, but, as the Hon. Mr Blevins and the Hon. Mr Sumner would know, in the period building up to the random breath testing legislation, there was a very biased campaign by News Ltd. I did not complain once during that time, because I felt that the newspaper had a right to put its point of view. I am not complaining now, for the same reason, even though I regard what is being done as extremely biased.

What I object to is the Opposition's hanging on to the coat tails of the press that it was critical of previously and the Opposition's praising the press in this Council. That shows the cynical behaviour of the Hon. Mr Blevins and his colleagues. I do not take what the Hon. Mr Cornwall says seriously, because I believe that he is just a sour little man. In our area when he first stood for Parliament, he used to be called the charisma kid. However, I call him the vinegar kid because I believe that he was born with vinegar in his veins, not blood. The motion should be defeated and I believe that, by the time the debate is finished, the Opposition will be ashamed of the way it has hung on to the coat tails of the press.

The Hon. R. C. DeGARIS: I agree wholeheartedly with the view put forward at the beginning of his speech by the Hon. Mr Cornwall, namely, that this is a debate not on on-the-spot fines but on whether the Attorney misled the Council and the public. That is the matter to which we should confine our discussion. The Hon. Mr Sumner gave two accounts where he claimed that the Attorney was deliberately misleading. The first was in the second reading explanation at the introduction of the on-the-spot fines legislation and the second was in public discussion and particularly in a letter to the *Sunday Mail*. The Hon. Mr Sumner, in analysing those two points, went on to say that there was no suggestion made of an increase in revenue and no suggestion of the number of offences.

The Hon. C. J. Sumner: Not in the second reading explanation.

The Hon. R. C. DeGARIS: Yes. The Leader went on to deal with the statements about saving $500 000, reducing the backlog, and things like that. He then said that the impression was given by the Attorney, by those omissions, that there would be no increase in revenue. An impression given cannot be said to be a misleading statement. He went on to deal with the letter to the *Sunday Mail* in which the Attorney said that the matter of on-the-spot fines was no monster. That was a perfectly normal political answer made by a Minister when attacked as the Attorney has been attacked on this matter.

The Hon. Mr Sumner said that the implication given (they are his exact words) was a certain thing and therefore the Attorney had misled the public and the Council. Impressions and implications are what other people infer that the Attorney may have said, and no case can be established that the Attorney deliberately misled the Council by an impression or implication understood by the Hon. Mr Sumner.

The Hon. C. J. Sumner: What about the table in the working party's report? Isn't the information that the Attorney gave in his second reading explanation the information in option A, not option B?

The PRESIDENT: Order! The honourable Leader made that point quite clear during his speech.

The Hon. R. C. DeGARIS: It is the Government's right to interpret information that it has and to give consideration to it. A mistake may have been made. That is quite possible, but from a mistake to deliberately misleading is a very long step that the Hon. Mr Sumner, the Hon. Mr Cornwall, or the Hon. Mr Blevins has not proved beyond reasonable doubt. The case may well be made out that the Parliament has had information withheld from it, but in the whole time that I have been here we have been complaining through Government after Government that second reading explanations do not contain all the information that the Government has, and they never will. That will always be the case while we have an Executive-dominated system.

The Hon. C. J. Sumner: This is a pretty blatant example.

The Hon. R. C. DeGARIS: I do not think it is more so than others that I can quote. I go back to the amendment to the Succession Duties Act when there was a misleading statement in the second reading explanation. On the stamp duties legislation there were blatantly misleading statements. Whether they were deliberate is another matter. I am not saying that in this case they were blatantly deliberate, but it cannot be said that impressions or implications make out a case of misleading the Council. In a number of cases this Parliament has not got all the information that it should have got but there must be criticism of ourselves as members because we do not seek that information. If, when a Bill was being dealt with, members on both sides had done their job correctly, that information would have been elicited from the Minister. No doubt it would have been given. No case has been made by any speaker that one can say proves that the Attorney-General has deliberately misled the Parliament or the public.

The Hon. Frank Blevins: The people have made up their minds.

The Hon. R. C. DeGARIS: The question of whether the people have made up their minds or not has nothing to do with the motion before this Council—nothing at all. There is no question, I think, that the Government would admit that as far as on-the-spot fines are concerned the issue has been somewhat politically damaging. However, that has nothing to do with the particular case we have before us. The issue of on-the-spot fines and also the issue of bankcard stamp duty are two issues from last week which, in my mind, were instrumental in producing a low point in the general standards of this Council—I have no hesitation in

saying that. I want to say, also, that the changes made to the electoral system in 1973 have produced an entirely different Council and since those changes were made I believe that this Council has drifted to become a pale reflection of the House of Assembly. This has been highlighted by this particular resolution today.

The Hon. C. J. Sumner: You moved such a motion against Casey.

The Hon. R. C. DeGARIS: That has no relevance to this matter.

The Hon. C. J. Sumner: In the same terms.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: I have spoken on this point on a previous occasion and wish to stress the point again that unless as a Chamber we consider further reforms then this Chamber will continue to drift further. I am also convinced that the Legislative Council's situation is not the fault of the A.L.P. entirely.

The Hon. Anne Levy: Do you want to go back to 1964?

The Hon. R. C. DeGARIS: I am not saying that at all. I want to face the problem we face today. The blame can be sheeted home to the A.L.P. because of its policy towards change. I think it is a shame that the A.L.P. cannot see its way clear to adopt the policy towards this Council that it has developed towards the Senate. If that were the case, it would be possible very quickly to consider reform of the structure of this Chamber that would go a long way towards arresting the drift in performance that has occurred.

The Hon. FRANK BLEVINS: I rise on a point of order, Mr President. Whilst all this is very interesting, it is surely tedious repetition, because we hear it on every issue before the Council. Also, it has quite clearly nothing whatever to do with the motion before the Council.

The PRESIDENT: I agree with the honourable member that perhaps it is tedious and it may also be repetitive, but since that could apply to every other speaker, I see no reason why the Hon. Mr DeGaris should not give you some of your own medicine.

The Hon. R. C. DeGARIS: I say that this is relevant because I believe that the resolution before the Council can do nothing to add to the stature of this Council or the standing of this Parliament in the public mind. I believe that if we go on in this way this Chamber is going to decline in its public support.

The Hon. J. E. Dunford: Then let's give it away.

The Hon. R. C. DeGARIS: As I pointed out earlier, that interjection shows that that is the A.L.P. wish. I think that it is fair to say that many A.L.P. members do not fully endorse that view.

The Hon. Anne Levy: Name some.

The Hon. C. M. Hill: The whole lot of you over there.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The point I am making at the moment is that, if we are going to be subjected time and again to motions such as this, we are going to see a continuing decline in the standard of this Council and in the ability of this Council to perform its role as a House of Review. I am suggesting that the Council must consider further reforms if we are going to rehabilitate ourselves in the public mind as a House of Review. The case put by the Leader cannot be substantiated because all he has done is to take his own interpretation, and from his own statement we see he says the 'implications' of information not being given, the 'impression' given and that, Sir, cannot substantiate a motion that the Attorney-General deliberately misled this Council. Therefore, I oppose the motion.

The Hon. K. L. MILNE: I think we have to debate certain aspects of the on-the-spot fines scheme to decide whether or not the Attorney-General has or has not misled the Council and, if he has, to what extent. To start with, I would like to support the Hon. Mr DeGaris in saying that this is an instance of what can happen in a House of Review when we have Cabinet Ministers in this Council and others on both sides who would like to be Cabinet Ministers. If we are not careful we are going to become a shabby copy of the House of Assembly.

The Hon. C. J. Sumner: What about a bit of control. This motion has nothing to do with the future of the Legislative Council.

The PRESIDENT: Order!

The Hon. K. L. MILNE: Leaked information, information coming from moles in their dark holes, is always dangerous. It is seldom complete and it is very dangerous to use. That is what has happened, the Opposition has used information leaked to it which is obviously not complete.

The Hon. C. J. Sumner: Rubbish.

The Hon. K. L. MILNE: I think that the scheme has possibly been mishandled. I think that the Government would admit that. Things have turned out differently, perhaps, from what we were led to believe, and possibly from what the Minister was led to believe. The Attorney-General may have been unwise, but I doubt very much whether he was dishonest. This matter involves a long list of 189 offences, which is quite outrageous and quite ridiculous because it means that policemen trying to police a scheme have to do an enormous amount of homework to know what is an offence. It is almost impossible to drive a car on to the road without committing an offence. I think that the scheme has been overdone. The number of offences involved in the Victorian scheme is 20 and in New South Wales 100. There is, then, certainly some argument for reducing our number to a better figure. In my view, the penalties or fines should be reduced by about 50 per cent in most cases. The possible increase in revenue of $5 000 000 (and I say 'possible' because that is all it ever was)—

The Hon. C. J. Sumner: Probable.

The Hon. K. L. MILNE: Oh no! How many times have the predictions of working parties been accurate? Now, come on.

The Hon. C. J. Sumner: Come on what?

The Hon. K. L. MILNE: Come on and be reasonable. I think that even if the amount were $5 000 000—

The Hon. N. K. Foster: It was a responsibility of the Government—

The PRESIDENT: Order!

The Hon. N. K. Foster:—apart from the working party.

The PRESIDENT: Order!

The Hon. N. K. Foster: The responsibility stops somewhere.

The PRESIDENT: Order! The Hon. Mr Foster is asking to be named.

The Hon. K. L. MILNE: A possible increase in revenue of $5 000 000 is minor in the total budget. In my view that could not have been a major reason for introducing this scheme, especially because the Government was not confident that it would raise that much money. I would like to know how much money was being raised before the scheme was introduced and how much difference there is between the two figures. I do not believe the difference would amount to $5 000 000. If it turns out that $5 000 000 is likely to be the difference, I think the Government would be wise to reduce the amount of each fine. The Attorney-General should have mentioned the fact that an extra $5 000 000 could have been raised. However, that omission is not of such magnitude to warrant a motion of this type. Of course, we have found that there is no guarantee that an extra $5 000 000 will be raised.

It has been estimated that 140 000 offences will be reported per annum, but many of them will be withdrawn. Drivers will probably be more careful and the police less enthusiastic, which could well mean that the Attorney's

estimates were fairly close to the truth and that he really did not omit anything of any consequence. Let us wait and see. The Opposition should not introduce a motion of this type until it is sure of its facts. The Opposition is assuming that the $5 000 000 forecast is already a fact. It is not yet a fact, and it may never materialise. I do not know where the working party or the Attorney-General obtained the figure of $450 000, although I know the Leader of the Opposition referred to it.

The Hon. C. J. Sumner: It's in the working party report.

The Hon. K. L. MILNE: Where did the working party obtain it? I know where the Leader obtained it.

The Hon. C. J. Sumner: I will give you the report.

The Hon. K. L. MILNE: I know it is mentioned in the report, but how did the working party reach that conclusion?

The Hon. C. J. Sumner: It calculated it.

The Hon. K. L. MILNE: On what information? It has been proved to be wrong, but we do not know how wrong it is. I do not believe it will save $450 000 in cash, but it will probably save about that much in eradicating useless work for the courts and the police who have to waste their time on minor cases at great cost.

The Hon. J. E. Dunford: That's how they arrived at the figure.

The Hon. K. L. MILNE: The working party did not know the numbers—it was wrong.

The Hon. N. K. Foster: You don't know they are wrong.

The Hon. K. L. MILNE: The Hon. Mr Foster does not know that they are correct, either.

The Hon. C. J. Sumner: The figure was arrived at by the working party.

The PRESIDENT: Order!

The Hon. K. L. MILNE: The process of getting people into court for trivial offences was a colossal waste of time.

The Hon. J. E. Dunford: That's why we supported it.

The Hon. K. L. MILNE: And you were correct to do so. The scheme will not necessarily save staff numbers, although the report refers to saving staff numbers. I do not think that people will lose their jobs; they will simply perform more sensible duties. People tend to forget that this scheme will also save time for the motorist. That is one of the biggest advantages. An offender will not have to hang around a court wasting a lot of time, because he can now expiate his fine very quickly. How much revenue was raised before this scheme was introduced?

The Hon. C. J. Sumner: I read it out; weren't you listening to my speech?

The Hon. K. L. MILNE: I was listening to most of it, but I did not hear that.

The Hon. C. J. Sumner: It was in the Attorney-General's letter.

The Hon. K. L. MILNE: Was that the $5 000 000 per annum?

The Hon. C. J. Sumner: The Attorney-General said that approximately $5 000 000 was generated in 1981 in costs and fines.

The Hon. K. L. MILNE: That was raised before the scheme was introduced?

The Hon. C. J. Sumner: The letter was signed by Trevor Griffin.

The PRESIDENT: Order! The Hon. Mr Sumner will come to order.

The Hon. K. L. MILNE: Mr President, I was interested to obtain that information. What was that money used for? Where did it go? If extra revenue will be raised, whether it be $5 000 000 or $1 000 000, how will it be used? I would like the Government to give an undertaking that, if the revenue generated from on-the-spot fines continues to escalate, it will reduce the amount of the fines.

The Hon. G. L. Bruce: They won't give you an undertaking.

The Hon. K. L. MILNE: We will see whether the Government is genuine or not. If this scheme is a genuine money-raising exercise, the Government will do nothing; if it is not, the Government will reduce the amount of the fines. I think this Bill has a most unfortunate history. I do not believe that the Attorney-General has misled the Council. If he has, it was not to such an extent to justify a motion of this type.

The Hon. C. J. SUMNER (Leader of the Opposition): I am disappointed, particularly with some of the responses to the accusations that I have made. I am particularly disappointed with the responses from the Attorney-General, the Hon. Mr Cameron and the Hon. Mr Milne. The Hon. Mr Hill's response was so short that it is not worth worrying about. In some respects the Hon. Mr DeGaris did attempt to tackle the question. I referred the Council to two specific examples of where the Attorney-General misled this Council, and I accused him of doing that deliberately. I believe my charge stands. This debate was not about on-the-spot fines; it was not about the details of the scheme; it was not about bald tyres on pushbikes; it was not about bald tyres on motor cars.

The Attorney-General spent most of his speech talking about those matters and quoting police reports. He discussed the question of how the scheme operated, compared to the operation of a similar scheme in New South Wales. This debate was not about this scheme and how it operated in other States of Australia. It was not about the Government's change of tactics in this area. It was not about the Government's review of the scheme. The debate was fairly and squarely about whether or not the Attorney-General had misled the Council. I put two charges in that respect. The debate was not directly about leaked documents. If the Government continues to give the Council misleading information, I have no doubt that the practice that has been established over the past couple of years, when the Government has misled the Council, of public servants releasing information to show that the Government is lying, will continue.

The Opposition, public servants and the community will not gain anything from leaked documents if the Government has told the truth about an issue. If the Government has not misled Parliament there is no incentive to anyone to leak documents and, therefore, there is no problem for the Government. Leaked documents come about (and I ask the Hon. Mr Milne to note this) when Ministers in this Council and in another place do not give Parliament the correct information. The only time leaked documents have been used against the Government has been when public servants have been so incensed by misleading statements and statements contrary to what occurs in documents to the Public Service that they—

The Hon. N. K. FOSTER: I rise on a point of order. From where he is sitting at present, the Attorney-General's remarks should be kept inaudible, so that those in this Chamber listening to the debate can hear it. The Attorney's place should be in the Chamber, not adjacent to it. This displays a total lack of understanding on his part.

The PRESIDENT: Order! I take that point of order. It would surpise me if this were so, but if the gallery is so noisy that members in this Chamber cannot hear, that gallery noise must cease.

The Hon. C. J. SUMNER: I repeat that the debate was not directly about leaked documents. The debate was not about the newspapers, and it is completely incorrect to say that the Labor Party hung on the coat tails of the press on this issue. The first person to raise the issue was a Labor Party member in another place, Mr Hamilton, the member for Albert Park. He made the accusation that the Govern-

ment would get substantially extra revenue out of this measure, and calculated it at $4 000 000, which was surprisingly accurate when one considers that the actual estimate was $5 100 000. A member of the Labor Party first took this issue up, and it was the press who followed this and made their criticisms, along with the Labor Party, about the actions of the Government.

The Hon. Mr Cameron, in a rather skittish contribution that really did not do justice to the seriousness of the debate, accused me of making a boring speech. I make no apology for the fact that my speech was not frivolous. It was a serious matter that I treated seriously. I attempted to document the charges brought before the Chamber, and I believe that I did document them with quotations from the report that the Government had, and those quotations were not selective.

In respect of those matters, the clear indication is that the Attorney-General misled the Council. The debate was not about the Legislative Council and its future, a clearly irrelevant comment by the Hon. Mr DeGaris and the Hon. Mr Milne. A motion such as this has been moved in the past, but this is the first time one has been moved by this Opposition since the election. That indicates the gravity of the offence. We have not moved a motion of this kind previously. During the time of the previous Government, a motion was moved against the Hon. Mr Casey by the Hon. Mr DeGaris. Another motion, a censure in the form of an urgency motion, was moved against the Hon. Mr Banfield during the time of the previous Government. The fact that this is the first time—

The Hon. R. C. DeGaris: Not in this Chamber.

The Hon. C. J. SUMNER: In this Chamber.

The Hon. R. C. DeGaris: Who moved that?

The Hon. C. J. SUMNER: You did, or the Hon. Mr Hill did. That motion was moved in this Chamber as an urgency motion and contained a censure of the Hon. Mr Banfield following the hospitals debate. Those two motions were moved. This Opposition has not moved a motion of this seriousness against the Government since the election 2½ years ago. That should indicate to the Council how we view the matter and the seriousness of it.

I believe that Parliament is being treated with contempt and is not being given information it ought to be given. I believe that in this case information was deliberately withheld. No other conclusion can be reached. The Hon. Mr DeGaris quoted from statements I made and said that certain things were implied, or impressions given. Those statements may have been made, but they were made within the context of a clear analysis to the Chamber of the documents that were available to the Government and on information given to the Government.

I will repeat the two accusations for the Council and for the benefit of the Hon. Mr Milne. During the second reading explanation, the Attorney-General had information which indicated that the number of offences would double and that $5 100 000 would be collected in extra revenue. This information was on option B in the table I had incorporated in *Hansard*.

The Hon. R. J. Ritson: It would be.

The Hon. C. J. SUMNER: It was the prediction of the steering group. The best information that the Attorney-General had at the time he introduced the Bill was the doubling in the number of offences and $5 100 000 in extra revenue. Did he put that information forward? No. What he provided was the information in option A, which is clearly the set of figures he gave to the Chamber; 100 000 offences (which is the current level), and savings in administrative costs of $446 500. If that is not misleading the Chamber I do not know what is.

The question is, 'Was it deliberate?' How can one come to any other conclusion but that it was deliberate. The Attorney-General had this information and was in charge of the Bill. He had the options clearly laid out before him. He had option B as being the option predicted by the steering group, yet he deliberately chose to produce information to the Council based on option A. That is misleading to anyone who makes any reasonably objective analysis of the issue. How would it not be deliberate; the Attorney is no fool. He must have known this and made a conscious decision not to give that information to the Council. I rest my case on that issue. I do not believe that there has been, in my time, a clearer example of deliberately misleading information being given to the Chamber.

In terms of the public debate, I reaffirm that in the letter to the *Sunday Mail* that the Attorney-General wrote in response to Mr Hamilton, after Mr Hamilton had said that he had calculated that there would be $4 000 000 in extra revenue, the Attorney tried to play with words and say that the $4 000 000 was what they would get in a year anyhow. Mr Hamilton's statement was quite clear and was picked up by Tony Baker. He said that the Government would get $4 000 000 from this on-the-spot fine system in extra revenue.

The Hon. K. L. MILNE: On a point of order, Mr President, would you ask the Leader to address the Chair?

The PRESIDENT: I can do that. I thought he was making a point on a question you raised.

The Hon. K. L. MILNE: He probably was.

The Hon. C. J. SUMNER: I find that quite a frivolous point of order in view of the seriousness of the debate. Mr Hamilton made the allegation of $4 000 000 in extra revenue. The Attorney's response to that was quite specific. I read it to the Council before. The Attorney said that that $4 000 000 was what would have been generated anyhow. That is incorrect and blatantly misleading. The Attorney-General took the trouble to write the letter to the *Sunday Mail*, so he must have known the circumstances in which he was writing that letter and he must have deliberately withheld the information relating to the $5 100 000. The Attorney knew at the time that the prediction of the working party was for a $5 100 000 increase, yet he chose to say, in response to Mr Hamilton's and the *Sunday Mail's* accusation, that $4 000 000 would be raised anyhow. That is the second charge that I have levelled against the Attorney.

The Hon. R. J. Ritson: It's a very specious argument. He is entitled to have his own predictions, and you will have to wait for a year to see what happens.

The Hon. C. J. SUMNER: That argument of the Hon. Dr Ritson indicates the falsity of the Government's stance. The Opposition is not arguing about what the situation will be at the end of 12 months—we are arguing about the best available information that the Government had in its hand at the time it brought the Bill into this Council, and at that time the Attorney knew of the projected $5 100 000 increase.

The Hon. R. J. Ritson: It won't be that.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: He knew the figure was $5 100 000. That was the prediction and it was over 12 months. We have had one month of the scheme and clearly it will not reach that level—

The Hon. J. C. Burdett: Or in 12 months.

The Hon. C. J. SUMNER: Any idiot, even the Minister, would realise that it will not reach $5 000 000 in 12 months, because the scheme has now been changed.

The Hon. R. J. Ritson: It was not running at that rate in the first month.

The Hon. C. J. SUMNER: Of course not: the prediction was over 12 months.

Members interjecting:

The PRESIDENT: Order! I have called the Council to order to get the Hon. Mr Sumner some sort of hearing. If he addressed the Chair and not the direciton in which he was facing, I would have more of a chance of getting him a hearing.

The Hon. C. J. SUMNER: I do not mind the interjections since they indicate the frail nature of the Government's case. I do not mind answering them. The prediction was over 12 months. The Attorney knew about it when he said in the letter that $4 000 000 was likely to be raised anyhow. For the benefit of the Hon. Mr Milne, he stated:

Approximately $5 000 000 was raised in 1981 in costs and fines.

What he did not say was that $5 000 000 in addition was expected to be raised—

The Hon. J. C. Burdett: By one group.

The Hon. C. J. SUMNER: The Hon. Mr Burdett says 'one group', but that was the Government's own working party, the specialist group set up by the Government that went through three options and set out each option. There is no question that the Government accepted the working party's recommendations, because it put forward the whole argument that the working party put forward. In the second reading explanation, it put forward all the arguments of the working party, except two—the increase in revenue and the doubling of the number of offences. It did not suit it to include those. The Government deliberately withheld that information from the Council. The situation in this debate comes down to two simple issues. The charges were simple and carefully detailed, first, in relation to the deliberate withholding of the information in the second reading explanation and, secondly, in respect of the deliberate distortion and misleading of the public in the article in the *Sunday Mail*.

There can be no doubt for anyone who makes an objective analysis of the debate that those two charges of misleading the Parliament and the public—and that is what the debate is about and not about the extraneous nonsense that some members carried on with—have been sustained.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, 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 (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

[Sitting suspended from 5.59 to 7.45 p.m.]

ST JUDE'S CEMETERY (VESTING) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to vest certain land in the Corporation of the City of Brighton and certain other land in the Synod of the Diocese of Adelaide of the Anglican Church of Australia; and for other purposes. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It relates to certain land constituting or adjacent to St Jude's public cemetery at Brighton. The land constituting the present cemetery has been used continuously for that purpose since 1854, and has, since that time, been administered by a succession of trustees pursuant to a trust deed. The terms of the deed do not permit either the sale or other disposal of any of the land. The older portion of the cemetery, comprising approximately three acres, is not subject to the provisions of the Real Property Act and the circumstances are such that the Registrar-General is not able to issue a certificate of title with respect to it. A portion of the older part of the cemetery is believed to be owned by the church, although its administration has, at all times, been in the hands of the cemetery trustees.

For many years, the same people acted as trustees for both the cemetery and the church, and, in so doing, occasionally failed to distinguish properly between the two trust properties being administered by them. Thus the current situation is that there now lies, on land owned by the cemetery trustees, a church hall, sealed playing grounds constructed and used by members of the church, and portion of a kitchen. Conversely, the cemetery trustees have erected, on land now owned by the church, a fairly extensive columbarium wall. Although the trustees are willing to convey to the diocese the paved playing area, church hall and part of the kitchen, they are precluded, by the terms of their trust deed, from so doing.

On 3 July 1981 the Attorney-General received a joint deputation from the Corporation of the City of Brighton and the cemetery trustees. The trustees advised the Attorney that the trust was in financial difficulties and was only surviving financially because the City of Brighton has, for a number of years, waived approximately $700 in council rates. The trustees can afford to maintain only a skeleton staff to care for the cemetery, a consequence of which is that the property is not being properly maintained. There is little doubt that, if the council commenced charging full council rates, the funds of the cemetery trustees would soon be exhausted. The trustees and the council jointly requested the Government to sponsor legislation winding up the trust and vesting the land.

At present, only portion of the cemetery land is used for cemetery purposes. Apart from that portion which is used by the church, there is a further area (to the south) which is currently vacant and which has been leased by the trustees, on annual lease, to a local market gardener. The council has undertaken to maintain the cemetery as a cemetery, but desires to use portion of the unused part of the cemetery for community purposes. To this end it is endeavouring to purchase other vacant land lying adjacent to the cemetery.

The purpose of the proposed Bill is to—

1. With the exception of the land used by the church, vest the whole of the cemetery land, freed of all trusts, in the Corporation of the City of Brighton.
2. Vest the land comprising the sealed playing area, church hall and part of the kitchen in the Diocese of Adelaide.
3. Vest the columbarium wall in the council.
4. Vest certain other land, namely lot 92, in the council.

Lot 92 comprises a small area of land which the council purchased for $7 000 several years ago. As the land is not under the Real Property Act and difficulties exist as to its title, the council has never been able to obtain a Real Property Act title for it, and it has been decided, as a matter of convenience to the council, to include that allotment in the vesting Act.

The land on which the columbarium wall stands has been vested in the Synod of the Diocese of Adelaide pursuant to the provisions of the Church of England Trust Property Act, and the vesting of this wall in the council will involve an alteration to the synod's certificate of title relating to this land. Thus it has been decided to cover the whole of the church's St Jude's Brighton land in the Act. The Bill defines the church land as being 'allotment 90 on the plan'.

Allotment 90 comprises all land currently owned by the synod on behalf of St Jude's Church, but excluding the land comprising the columbarium wall and including the cemetery trustees land presently occupied by the church. That land owned by the trustees but occupied by the church has an area of 6 149 square metres.

The Bill has been discussed with interested parties, and there appears to be no objection to the solution proposed. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 contains the definitions required for the purposes of the new Act. Clause 3 provides for the vesting of the land in the manner outlined above and provides for a private right of way to run across the church land to the cemetery gates. Clause 4 provides that descendants of William Voules Brown who died on 29 January 1893 and who originally made the land available for the purposes of the cemetery are to have certain burial rights in relation to the cemetery.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1981. Read a first time.

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

That this Bill be now read a second time.

This Bill effects minor technical amendments to the principal Act. First, the Bill enables the Commissioner for Consumer Affairs to delegate his powers under the principal Act or any other Act to the holder of any specified office in the Public Service. The office of the Commissioner for Consumer Affairs is established under the Prices Act and the powers and functions of the Commissioner are set out in the Act. At present the Act enables the Minister of Consumer Affairs to delegate his powers and functions to the Commissioner or any other person recommended by the Commissioner. However there is no similar provision to enable the Commissioner to delegate any of his powers and functions under the Act. It is appropriate that the Commissioner be given power to delegate his powers and functions to facilitate the administration of the Act, particularly where matters of a mundane or repetitive nature are involved. This amendment will ensure the efficient operation of the Act and is consistent with similar powers to delegate given to the Commissioner under other legislation.

Section 21 of the Act, which enables the Minister of Consumer Affairs to fix maximum prices in relation to the sale of declared goods, was amended in 1980 to allow greater flexibility in the making of orders fixing maximum prices. Section 22a provides for the determination of minimum prices at which grapes may be sold or supplied to a winemaker or a distiller of brandy. Section 24 permits prices orders fixing the maximum rates at which declared services may be provided. The present Bill proposes amendments to both these sections to bring them into conformity with section 21. This will improve the internal consistency of the Act and facilitate its administration. I seek leave to have the detailed explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 4 to empower the Commissioner to delegate powers and functions. An evidentiary provision is included to facilitate proof of a delegation. Clause 3 amends section 5 which presently empowers the Minister to delegate his powers and functions. The amendments bring this section into consistency with the form of the proposed provisions in section 4. Clauses 4 and 5 amend section 22a (determination of minimum price for grapes) and section 24 (determination of maximum price for services), respectively. The amendments bring the form of these sections into consistency with the form of the recently amendment section 21.

The Hon. C. J. SUMNER secured the adjournment of the debate.

STATUTES AMENDMENT (CONSUMER CREDIT AND TRANSACTIONS) BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Consumer Credit Act, 1972-1980, and the Consumer Transactions Act, 1972-1980. Read a first time.

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

That this Bill be now read a second time.

Since the Consumer Credit Act and Consumer Transactions Act were introduced in 1972, various amendments have been made from time to time. However, a major review has not taken place as South Australia has been awaiting the introduction of model uniform legislation to be settled by the Standing Committee of Attorneys-General. Uniform credit legislation has now been passed in Victoria and New South Wales and regulations are currently being drafted. It may be some time before the new legislation comes into operation. At that time a comprehensive review of the South Australian legislation will be undertaken with the view to achieving uniformity in credit legislation wherever possible.

In the meantime, the Government is concerned that the Acts continue to achieve their original objective of providing protection to the consumer and, at the same time, avoiding unnecessary inconvenience to or restrictions on business. It has become evident that the monetary limits contained in the Acts are no longer realistic. A 'consumer contract' and a 'consumer credit contract' are defined by reference to the amount involved in the transaction and generally the Acts do not apply where the amount exceeds $10 000. In 1973 an amendment was made to the definition of a 'consumer credit contract' in the Consumer Transactions Act, increasing the amount to $20 000 where security is taken over the consumer's home, in order to cover the average loan taken out for the purpose of purchasing a house. The monetary limits have been eroded by inflation since they were set in 1972 and 1973 so that many transactions are now excluded which it was originally intended should be covered by the legislation. A prime example of this is the purchase of a family car which now often costs in excess of $10 000.

The Bill increases all $10 000 limits to $15 000, which is the amount determined as the appropriate 'cut-off' point in the New South Wales and Victorian Acts. This will also extend the protection afforded to those who buy goods that subsequently prove to be subject to a consumer lease or consumer mortgage. Section 36 of the Consumer Transactions Act will now guarantee good title in cases where the amount involved in the previous transaction was up to $15 000. Section 36 is also amended to make it clear that although a dealer does not obtain good title, a person who purchases in good faith and for valuable consideration and

without notice from the dealer does get good title. Some doubts have been expressed about the present wording of this section and the amendment is designed to remove those doubts and express more clearly the original intention of this provision.

The Bill increases the $20 000 monetary limit in the Consumer Transactions Act definition of 'consumer credit contract' to $30 000. The $20 000 limit is now unsatisfactory as it does not cover the average home loan and denies the protection of the Act to those house purchasers who are most likely to be in need of it. An anomaly between the Acts has been removed. While the Consumer Transactions Act contains a monetary limit in relation to consumer credit contracts where security is taken over land there is no limit on such contracts under the Consumer Credit Act. The Bill inserts a limit in the Consumer Credit Act in relation to such contracts so that the relevant provisions in the two Acts are consistent.

The opportunity has also been taken in this Bill to effect several minor amendments of a tidying-up nature. For example, the Bill amends the exemption powers contained in section 6 (4) of the Consumer Credit Act and section 50 of the Consumer Transactions Act to provide a more flexible power. In particular it will be possible to exempt transactions from some portions of the Act without conferring an exemption from the whole Act and to make any exemption subject to conditions or terms. This exemption power is consistent with similar powers in the New South Wales and Victorian credit legislation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 to 4 are formal. Clause 5 amends two definitions in the Consumer Credit Act. The definition of 'principal' is amended to reflect the fact that credit may consist of a forebearance to require payment of money that is already owing. The amendment of 'the Commissioner' is amended to reflect the current title of the office. Clause 6 amends section 6 of the Consumer Credit Act. This section deals with the application of the Act. The power of exemption is expanded to cover both persons and transactions, and the monetary limits which define the transactions to which the Act applies are amended as outlined above.

Clause 7 amends section 37 of the Consumer Credit Act. This section deals with a credit provider's registered address. The amendment deals with the case where a credit provider carries on some other business in addition to the provision of credit. The provisions requiring notice of commencement and cessation of business at a particular address and so on are related specifically to the business of providing credit. Clause 8 provides that upon variation of a credit contract, the consumer is to receive notice of the nature and extent of the variation. Thus the credit provider is not obliged to cover in his notice rights that have been unaffected by the variation.

Clause 9 makes a corresponding amendment to section 41 of the Consumer Credit Act which deals with sales by instalment. Clause 10 makes a minor drafting amendment to section 52 of the Consumer Credit Act. Clause 11 provides for the amendment and revocation of stipulations promulgated by the Commissioner in relation to advertisements relating to credit. Clause 12 amends an evidentiary provision to bring it into consistency with the form that is in current use. Clause 13 is formal. Clause 14 amends the definition of 'consumer contract', and 'consumer credit contract' in section 5 of the Consumer Transactions Act.

The amendments introduce the new financial limits outlined above. The definition of 'the Commissioner' is also amended to accord with the current title. Clauses 15 and 16 make minor drafting alterations. Clause 17 makes it clear that a person who buys goods subject to a consumer lease or consumer mortgage from a dealer without notice of the lease or mortgage gets an unencumbered title to the goods. Clause 18 expands the regulation-making power under which exemption from provisions of the Consumer Transactions Act may be granted.

The Hon. C. J. SUMNER secured the adjournment of the debate.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

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

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Mr President, the second reading explanation is somewhat lengthy. In view of the hour I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It provides for a redefinition of the powers, functions and responsibilities of the Institute of Medical and Veterinary Science. It embodies the Government's commitment to the concept of an institute providing a State-wide laboratory service of high standard in pathology and the allied sciences, with the functional ability to make significant contribution to research and development in the prevention and cure of disease in man and animals. At the same time, it provides the legislative framework for the restructuring of the institute in a manner which recognises its role as an integral part of a co-ordinated health system; in a manner which recognises the importance of integrated forensic services; in a manner which recognises that responsibility for its veterinary component properly belongs with a Minister and agency directly concerned with veterinary activities; and in a manner which provides the means for improved management and accountability in respect to both human and veterinary fields.

In introducing this Bill, I wish to outline the key factors which have led to the need for new legislation covering the operations of the I.M.V.S. As members would be aware, these factors are complex and diverse, and one must necessarily go back some years to place the matter in context.

The institute was established under its own legislation in 1938 which conferred on it service, teaching and research functions in relation to both human beings and animals. Largely because of the effects of the outbreak of World War II, it was not until 1950 that the institute began to fulfil its original objectives. Demands for the institute's services increased steadily and during this period the institute was the dominant provider of pathology services in the State; a need was seen in the late 1950s to expand services to various strategic regional centres.

Then there was the explosive growth of laboratory tests of the 1970s. As the Badger committee observed, 'more and more doctors came to rely on the laboratory to augment and in some cases, replace, clinical judgment'. It was left to each doctor's own judgment as to whether the tests were necessary, performed properly or performed at all. The cost of this was covered automatically under the then Medibank agreement. All of this inevitably produced an explosive

growth of pathology testing, with consequential cost increases. The institute was caught up in the middle of all this.

At the same time, advances in technology led to the automation of many laboratory procedures and the perfection of others, thus creating a demand for the introduction of more and more complex and expensive equipment to meet the new standards.

The institute developed into and built up an enviable reputation as the major State provider of medical and veterinary pathology services. Through periods of rapid expansion and technological development, the institute has kept the quality and range of services at the highest levels. Recognition for this achievement must be given to its former Director, Dr J. A. Bonnin, who could fairly be said to be the architect of the institute's pre-eminence in this whole field.

Also in the 1970s, the Governments in various States of Australia were examining the appropriateness of the organisational structures of their existing health administrations to cope with increasingly expensive, complex, diverse and technology dominated health services. In South Australia, the then Government's response was to establish by Statute the South Australian Health Commission, whose charter requires it to co-ordinate and integrate health services in the State. Health units, both Government and non-government, are able to establish a formal relationship with the Health Commission by a process of incorporation under the Act. Incorporated health units have their own boards of management with managerial responsibility to run the organisation within commission approved budgets, works programmes and staffing plans and in accordance with their constitution and commission policy.

Co-ordination and integration of health services necessarily implied that health support services and their role in the health care system needed to be taken into account. This was particularly important in the case of pathology services, in view of their significant impact on the cost and quality of the provision of health services, yet the then Government did nothing to indicate recognition of this need to provide the necessary legislative and administrative response to it.

Soon after assuming office, the Government recognised the need for a review of pathology services in the State, and established a committee of inquiry under the Chairmanship of Professor Sir Geoffrey Badger to conduct such a review.

The committee's report covered the whole range of pathology services in South Australia, and set the Institute of Medical and Veterinary Science within the context of other pathology providers in the State.

The findings of the Badger committee were released for public comment. Following receipt of the comments, and taking into account Parliamentary scrutiny of events that occurred at the institute in the 1970s, the Government considered it to be a logical development to extend its review of pathology services by specifically examining the organisation, structure, administrative arrangements and services provided by the I.M.V.S., the State's largest public pathology service, with laboratories throughout the State.

A committee of inquiry under the Chairmanship of Dr Ronald Wells was commissioned to review critically all aspects of the institute's operations and to recommend changes to current arrangements, where necessary, to enable the institute to operate in the context of today's health care system.

The committee duly reported and, as members would be aware, the report was tabled in Parliament. The committee recognised and reported on the high levels, both in terms of quality and range of services, which the institute had maintained through periods of rapid expansion and development. However, it was evident that there had been a failure at all levels of administration—both Governmental and institutional—to make adequate provision for sound management practices to enable this expansion to take place in an accountable and rational manner. Despite the clear need for amendment to take account of the current and emerging needs of the 1970s, the previous Government allowed the I.M.V.S. Act to remain in its 1937 form throughout those years of turbulent change. The committee reported on 'serious inadequacies in the ability of the institute to cope with the demands it now faces, both in its structure and its management processes', and made recommendations designed to enable the institute to meet these demands.

The Government endorsed the general tenor of the committee's recommendations and announced its intention to rewrite the I.M.V.S. Act, and to establish an implementation team to overview progress in introducing the committee's recommendations.

The implementation team has been actively engaged in pursuing the recommendations and has already made considerable progress with the full co-operation of the council and director of the institute.

By the end of 1981 all recommendations had been considered and a course of action determined. Action on some recommendations has been completed; other recommendations, being of a longer-term nature, will require more time to be brought to fruition; a number are linked with the passage of this legislation. The implementation team will continue to meet and actively pursue the Wells committee recommendations.

The Bill which is being introduced today has been framed taking into account both the Badger and Wells committees recommendations and subsequent deliberations on the most appropriate form of legislation to enable the institute to meet the demands it faces.

The principal recommendations of the Wells committee were that the institute should be incorporated under the South Australian Health Commission Act by specific legislative amendments and that it should continue as a joint medical and veterinary organisation.

In relation to the recommendation for incorporation of the institute under the South Australian Health Commission Act, the Government agreed that it was inappropriate for an institute with an annual operating budget of over $17 000 000, whose services have a significant impact on the cost and quality of health services, to be independent both of express Ministerial control and direction, and of the South Australian Health Commission which was established to co-ordinate and integrate health services throughout the State.

However, the Government believed that, whilst incorporation under the South Australian Health Commission Act may be appropriate for a body engaged exclusively in the provision of health services, it would fail to recognise adequately the role of the institute as a provider of veterinary pathology services as well as human pathology services—in other words, a body whose role extended beyond human health care.

It would mean that a human health care authority would be responsible for animal health and other matters relating to the State's large stock industry, and to companion and sporting animals. The Government also noted the Badger committee's recommendation against incorporation and in favour of the institute maintaining its statutory status.

Taking all factors into account, the Government decided that the veterinary division of the I.M.V.S. should become the responsibility of the Minister of Agriculture and the Department of Agriculture, but should remain physically located with the I.M.V.S., thus allowing the professional and practical relationship with human pathology to remain

unchanged. To do otherwise would have involved cumbersome and probably unworkable dual Ministerial involvement which would have had the potential to compound rather than remedy the managerial problems identified in the Wells Report.

Under the proposed arrangements, the legislation has been written in a manner which brings the human health components of the I.M.V.S. into a relationship with the Health Commission and the Minister of Health, similar to that which exists with health units incorporated under the Health Commission Act. At the same time the Minister of Agriculture will assume responsibility for the delivery of veterinary laboratory services and the conduct of associated research in veterinary science. The Division of Veterinary Sciences will be transferred to the administrative control of the Department of Agriculture, although its staff will continue to be located in their present work areas. The legislation accordingly provides for officers and employees of the Veterinary Division to become officers and employees of the Department of Agriculture upon the commencement of the Act. It is made clear in the Bill that the salaries, wages and accrued leave rights of such persons are protected.

The Minister of Agriculture will determine policy on the provision of veterinary laboratory services and the conduct of associated research, and will have responsibility for management functions including budgeting and staffing. Funds for the operation of the Veterinary Sciences Division will in future be appropriated to the Minister of Agriculture, instead of the Minister of Health and arrangements will be made for a recharge of services between the Department of Agriculture and the I.M.V.S. The I.M.V.S. will provide physical and administrative facilities to assist the Minister of Agriculture in carrying out veterinary responsibilities, under terms and conditions agreed between the Minister of Agriculture and the Minister of Health, and the legislation provides for this.

A Veterinary Laboratory Services Advisory Committee, with broad terms of reference, will be set up to advise the Minister of Agriculture on veterinary science. The Wells Committee emphasised the desirability of providing additional advice on policy directions in this field. It is therefore proposed that members of the committee will represent the Department of Agriculture, stockowners, owners of sports and companion animals, and private veterinary practitioners. The Director of the I.M.V.S. will also be a member of the committee. This committee will be set up administratively, rather than provided for in the legislation, since it is substantially a Minister of Agriculture committee.

Because of its continuing responsibility to provide facilities for the provision of veterinary laboratory services, the I.M.V.S. council will have two members nominated by the Minister of Agriculture. Under the legislation the Minister of Agriculture will nominate an officer of the Department of Agriculture concerned with veterinary matters and a representative from private veterinary practitioners as members of the council.

The Government accepts that the transfer of the Division of Veterinary Sciences to the Department of Agriculture will entail an expansion of the role of that department, to include responsibility for laboratory animals and increased responsibility for laboratory work associated with companion animals, animals in zoological institutions, animals used in sport, including racing, and some aspects of diseases common to humans and animals.

It is also accepted that the Department of Agriculture will be responsible for maintaining a central animal breeding facility which can supply laboratory animals of a quality and quantity consistent with existing requirements and standards. The department will be responding to the future requirements and standards of science and medicine. At the same time it will need to ensure that costly proliferation of animal breeding facilities does not occur. Consistent with Government policy, it is intended that the Department of Agriculture move towards recouping the full cost of animals produced. A review is currently under way to determine the most appropriate arrangements to enable this to be implemented, whilst ensuring that medical science has access to the quantity and quality of animals required for teaching, research and service provision.

The Department of Agriculture will need to provide clinical veterinary services for the animal surgical facilities at the I.M.V.S. This will be done. It is intended to recruit a suitable clinical veterinarian. Steps have already been taken to provide five further veterinary positions for the veterinary laboratory at Straun in the South-East of South Australia. These five positions will enable an improved laboratory service to be provided to stockowners in this most important agricultural region.

While these proposed arrangements do not follow the letter of either the Badger or the Wells committee recommendations, they do in fact achieve the Badger and Wells objective of retaining an integrated human and animal laboratory facility. The opportunity for scientific interchange and co-operation between medical and veterinary scientists is preserved by the new arrangements. The high order of sophistication of veterinary technology which has been established at the institute is maintained. Health needs in relation to veterinary matters, particularly with respect to diseases common to man and animals, will continue to be protected. Veterinary matters will become disentangled from the Health Commission and veterinary science will become directly related to the section of the community and the sector of the industry it serves. Ministerial and departmental responsibilities will be clearly delineated and an improved framework will be provided for accountability and efficiency in the management of veterinary laboratory services. The arrangements will bring veterinary pathology into line with the structures applying in other States, where veterinary laboratories are attached to Departments of Agriculture.

Honourable members will note that the legislation contains only three provisions relating to veterinary matters—a provision to effect the transfer to the Department of Agriculture of officers and employees and ensure that their rights are protected; a provision which ensures veterinary representation on the council of the I.M.V.S.; and a provision which requires the institute to provide services and facilities for the Department of Agriculture in relation to veterinary services (including services for veterinary surgeons in private practice) or research carried out by that department. It would be inappropriate for the legislation to canvass the provision of veterinary laboratory services and associated research to any greater extent, since these functions will be carried out as part of Public Service operations in the Department of Agriculture (albeit located at the I.M.V.S.), whilst this Bill deals with the I.M.V.S. and its functions. However, the Government believes that honourable members should be informed and assured as to the Government's plans for veterinary laboratory services and the preceding detailed explanation seeks to do that.

Turning to the other provisions of the Bill, honourable members will note that the legislation deals with the institute as an integral part of the health system. The institute is constituted as a body corporate, administered by a 10 member council, the composition of which is in line with the recommendations of the Wells committee. An officer of the Health Commission will be a member of council, in view of the proposed role of the S.A.H.C. in relation to the institute. In recognition of the special relationship which the institute has, and will continue to have, with the Royal Adelaide Hospital and the University of Adelaide, both

organisations will continue to nominate two members each. An important addition to council will be two persons with experience in financial management nominated by the Minister of Health—this is in line with the Government's commitment to improved financial and administrative control of the institute.

Because of the institute's continuing responsibility to provide facilities for the provision of veterinary laboratory services, the council will have two members nominated by the Minister of Agriculture—one who is an officer of the Department of Agriculture concerned with veterinary matters and one who is a veterinary surgeon in private practice.

Another important addition to the council is the Director, who will be an *ex officio* member. Since the institute is not only a teaching, research and service-based organisation, but also a business operation, the Government believes that, in keeping with business practice, the chief executive officer should be a member of council. The Chairman and Deputy Chairman of council will be appointed by the Governor, and one or other of them must be present for a quorum to be constituted at a meeting. This is in line with Wells committee recommendations.

Clause 14 sets out the powers and functions of the institute. It will continue as a provider of medical pathology services for hospitals, other health care organisations and private medical practitioners. The Health Commission's co-ordinating and rationalising role is recognised, with provision being included to enable the Health Commission to set policy in relation to use of pathology services by hospitals and health care organisations funded by the commission. The institute will also provide a public health laboratory service in accordance with the Health Commission's requirements, consistent with the Health Commission's responsibilities in the public health area.

The established role of the institute is maintained in that it is empowered to conduct research into fields related to its services, to provide facilities to assist others to carry out research and to assist tertiary education authorities in teaching in related fields of science. The legislation provides the necessary flexibility for the institute to maintain a balance between its diagnostic services, research and teaching.

One area which is not included in the specified functions of the institute is the provision of forensic services. There has been repeated reference to forensic services in a number of reports and submissions over several years, including the Badger and Wells Reports. Different options have been proposed for the organisation of these services. However, a common theme of all of them is that the impartiality of forensic services must be safeguarded, and that the administering authorities should reflect that independence. Another common view is that the activities of laboratories principally engaged in various aspects of forensic services should be effectively co-ordinated to maximise efficiency and reduce delay in providing the police and legal services with essential and useful information.

The Government strongly endorses both these views and believes it is fundamental to the administration of justice and to the maintenance of public confidence in the judicial system, that forensic services of the highest quality, administered independently of any law enforcement or legal service agency, should be available.

Following a review of the Wells committee recommendations, the I.M.V.S. council recommended that the present Forensic Pathology and Forensic Biology Sections of the Division of Tissue Pathology, I.M.V.S., be amalgamated with the Forensic Chemistry Section of the Department of Services and Supply, to form an integrated forensic science service outside the I.M.V.S.

The Government readily accepts the importance of an integrated forensic service and has now determined that the Forensic Pathology and Forensic Biology Sections of the I.M.V.S. should amalgamate with the Forensic Chemistry Branch of the Chemistry Division, Department of Services and Supply, to form a Forensic Services Division within the Department of Services and Supply. The three elements of this service are already physically located in the Forensic Science Centre, Divett Place and the Government believes that organisational integration will enhance co-ordination of these services. The Bill accordingly makes provision for the staff transfer. It is made clear that the salaries, wages and accrued leave rights of such persons will be safeguarded in the transfer. Special attention has been, and will continue to be, given to the need to ensure that under the new arrangements, forensic pathologists and biologists are able to maintain a continuing association with their professional peers, particularly in the areas of high standard training programmes, continuing education and peer review. Administrative arrangements will ensure that transferring staff have access to promotional vacancies at the I.M.V.S.

Turning to other major provisions of the Bill, the institute is brought under express Ministerial control and direction and within the oversight of the Health Commission. As mentioned earlier, the Government considers it to be quite inappropriate for an organisation with a substantial operating budget, whose services have a significant impact on the cost and quality of health services, to be independent of express Ministerial control and direction, and of the South Australian Health Commission.

Provision is made for the appointment of a Director of the institute, who will be the institute's Chief Executive Officer. The Director will be a contract appointment, as recommended by the Wells Report. It is intended that Dr H. D. Sutherland's appointment as 'interim' Director be extended for a further year, to cover the transitional period which the institute is undergoing, and to enable it to seek an appropriate person to become its new Director. I take this opportunity to pay tribute to Dr Sutherland, who has been carrying out his role with considerable distinction and effectiveness during this transitional phase.

The remaining provisions of the Bill follow closely those in the Health Commission Act which apply to incorporated hospitals and health centres. Staffing provisions are consistent with those for health units. The same entitlements relating to portability of accrued leave rights are given to institute officers and employees as have been provided in relation to officers and employees of the Health Commission and incorporated health units. Budgets, capital works programmes, variations in services or facilities, and staffing requirements are required to be submitted to the Health Commission in order that they may be determined within overall health priorities. This is consistent with the commission's role of rationalising and co-ordinating health services. The Health Commission becomes the employer for the purposes of the Industrial Conciliation and Arbitration Act, as is the case with the Health Commission and incorporated health units.

In summary, the Government believes that the legislation provides the framework for restructuring of the institute and development of sound management practices. It recognises the institute as an integral part of the health system. It provides the institute with the legislative backing to meet the modern-day demands it now faces.

Clause 1 is formal. Clause 2 provides for the commencement of the Act by proclamation. Clause 3 provides the necessary definitions for the Act. Clause 4 repeals the existing Act.

Clause 5 vests all the rights and liabilities of the council under the repealed Act in the institute under this Act. All officers and employees of the institute under the repealed Act are transferred over to the institute under this Act,

except for those officers and employees presently in the veterinary division and the forensic pathology and forensic biology divisions of the institute. Those officers and employees are to be transferred upon the commencement of the Act to the Department of Agriculture in the case of persons in the veterinary area, and the Department of Services and Supply in the case of persons in the forensic pathology and forensic biology areas. It is made clear that this transfer will not affect the salaries, wages or accrued leave rights of such persons.

Clause 6 continues the institute in existence and vests it with corporate status with the usual powers. Clause 7 provides for the appointment of a new council comprised of 10 members, nine being appointed by the Governor and one being the Director of the institute. Members are appointed for terms of not more than four years, but are elegible for reappointment. Clause 8 provides for the appointment of a Chairman and a Deputy Chairman. Clause 9 provides for the appointment of a deputy to any member of the council. Clause 10 sets out the usual provision for the removal of members of the council from office, and for the filling of vacancies.

Clause 11 preserves the validity of acts of the council in certain circumstances. Council members are given immunity from liability. Clause 12 requires members of the council to disclose interests in contracts made by the institute, and prohibits a member with such an interest from taking part in any decision relating to the contract in question. Clause 13 sets out certain procedural matters in relation to the meetings of the council.

Clause 14 sets out the functions and powers of the institute. The institute will provide a medical pathology service for hospitals and other health organisations as directed by the Health Commission, and also, to an extent determined by the institute, for such medical practitioners in private practice as may refer pathology tests to the institute. The institute will provide services and facilities to enable the Department of Agriculture to carry out the veterinary functions currently undertaken by the institute. It will also provide a public health laboratory service as required by the Health Commission. The institute is empowered to conduct research, or assist others to carry out research, into fields of science related to its services, and may also provide assistance for teaching at tertiary level in those fields of science. The institute is given the usual powers of delegation, etc., and may charge for the services it provides. It is made clear that the council is the governing body of the institute.

Clause 15 places the institute under the control and direction of the Minister (i.e., the Minister of Health). The Minister is required to consult with the Health Commission before exercising his powers of direction and control. The institute is required to furnish information to the Minister or the Health Commission if requested to do so. Clause 16 provides for the appointment of a Director of the institute. The present Director will become the first Director under the new Act. Appointments to, and dismissals from, the office of Director cannot be made by the council without the approval of the Minister, who is required to consult with the Health Commission in the matter.

Clause 17 provides for the appointment by the council of the officers and employees of the institute. No office may be created unless it has been provided for in a staffing budget approved by the Health Commission. Officers appointed to the institute are not subject to the Public Service Act, but certain sections of that Act may be applied to such officers by proclamation, if the need arises. A public servant who currently works in the institute of course will remain in the Public Service unless he wishes to be appointed as an officer of the institute.

Clause 18 gives officers and employees of the institute the right to continue in, or join, the South Australian Superannuation Fund. The same entitlements relating to the portability of accrued leave rights are given to institute officers and employees as have been provided in relation to officers and employees of the Health Commission, incorporated hospitals and incorporated health centres.

Clauses 19 and 20 provide for the vesting of land in the institute, or under the care, control and management of the institute. Clause 21 obliges the institute to keep proper accounts which are to be audited by the Auditor-General at least annually. Clause 22 requires the institute to submit detailed estimates to the Health Commission each year. Clause 23 provides for payment of the necessary funds out of moneys appropriated by Parliament. Clause 24 gives the institute power to borrow, and to invest, subject to the usual Treasury constraints.

Clause 25 empowers the council to make rules for various 'internal' matters. These rules must be approved by the Health Commission and then confirmed by the Governor, before being laid before Parliament. Clause 26 provides a similar power to make by-laws for the purpose of regulating conduct in the grounds and premises of the institute. Traffic and parking offences may be expiated.

Clause 27 brings the officers and employees of the institute within the Jurisdiction of the Industrial Commission and the Industrial Court. The Health Commission stands in the shoes of employer with regard to any state industrial proceedings or any industrial agreement, in the same way as it does for officers and employees of incorporated hospitals and health centres. The Health Commission is given full control over industrial proceedings initiated by the institute.

Clause 28 gives certain employee organisations the right to make submissions to the Health Commission and the institute over any matter arising out of the administration of this Act. Clause 29 deems the Director to be the Permanent Head, for the purposes of the Public Service Act, of those officers of the institute who are public servants. Clause 30 makes it an offence for an officer or employee of the institute to divulge personal information relating to any patient, unless he is authorised or obliged to do so by his employer or by law. Clause 31 provides for an annual report to be submitted by the council. This report will be laid before Parliament. Clause 32 provides that offences under the Act are to be dealt with in a summary manner. Clause 33 gives a general regulation-making power.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

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

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Read a third time and passed.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 3170).

The Hon. ANNE LEVY: The Opposition supports this short Bill which, as was explained in the Minister's second

reading explanation, extends for a further two years the assumed annual value of the Festival Centre site as being $50 000. A value such as this is required both for council rating purposes and for water and sewerage rates. It has long been felt that some value should be selected for a site such as the Festival Centre. I believe it would be nigh impossible, if not impossible, to affix a true value. While the value specified in the Bill is arbitrary, I think we can take it that it is an under-estimate of the true value of the Festival Centre site. To that extent the State Government, through the water and sewerage rates and the city council rates, is subsidising the existence of the Festival Centre. However, I doubt whether anyone would quarrel with that.

The Festival Centre is a tremendous asset to Adelaide. It is known throughout Australia and far beyond. It is very well patronised by the citizens of Adelaide. In the coming fortnight it will be the hub of the Festival of Arts. There is no doubt whatsoever about the value of the Festival Centre to the city of Adelaide. It seems quite appropriate that both the city council and the Government, through this artificial annual value for rating purposes, are subsidising the Festival Centre. I point out that the assumed annual value of $50 000 was set in 1971 and was to apply for a period of 10 years. The Government did not act before the expiration of that 10-year period and the value lapsed as at 31 December 1981. To that extent we must enact retrospective legislation so that the annual value will operate from 1 January this year.

It makes no difference in regard to rating, as no rates are determined in the first six weeks of the calendar year. Strictly, this legislation should have been brought before the Council during the Parliamentary session in 1981. This legislation extends that annual value for a two-year period. It is a pity that the Government did not consider this matter in greater depth and bring in an annual value which could apply for a further 10 years. We now have merely a two-year extension, and presumably some form of consultation and investigation will occur during those two years so that before 31 December 1983 further consideration can be given in this Parliament to such annual values. I regret that this did not happen in 1981. The time of Parliament should not have to be taken up again in considering a matter like this before the end of next year. However, the principles behind the legislation are highly desirable and are fully supported by this side of the Chamber. I support the second reading.

The Hon. C. M. HILL (Minister of Arts): In closing the debate I acknowledge the point made by the Hon. Miss Levy that we have overrun our time in considering the question of the extension of this matter. The reason for that is that the Government is giving serious consideration to what ought to be the system applying in the longer term but, as yet, it has not come to a decision on the matter. The Bill before us is somewhat of a holding measure and will carry on with the old system for another two years as it was in the Act for the first 10 years of the festival. During that time the Government will be looking closely at the whole question and will be laying down legislation for a long-term proposal in regard to this issue.

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

EVIDENCE ACT AMENDMENT BILL (No. 2)

Consideration in Committee of the House of Assembly's message that it had disagreed to the Legislative Council's amendments.

The Hon. K. T. GRIFFIN: I move:

That the Council do not insist on its amendments.

As honourable members will know, I introduced this Bill into this place to abolish the right of an accused person to make an unsworn statement. Most members in the Council supported the amendments. The Council sought, with some amendment, to retain the right of an accused person to make an unsworn statement. On many occasions we heard views expressed by the Government, the Opposition and the Australian Democrat, on the respective bases on which we each supported our particular stand on this issue.

The Government is committed to abolishing the right of an accused person to make an unsworn statement and that is the reason I am moving that the Council no longer insist on its amendments. For reasons I have stated on numerous occasions, I believe that that is the proper course. If the Council does not support this resolution, this matter may ultimately reach a conference of managers of both the Houses of Parliament with a view to endeavouring to resolve the deadlock between us.

The Hon. C. J. SUMNER: I oppose the motion. The Council should insist on its amendments. As it was initially introduced, the Bill dealt with the abolition of the unsworn statement. It was amended by the Council to provide for the retention of the unsworn statement with certain reforms recommended by a Select Committee of the Council related specifically to the unsworn statement, and there were also some ancillary amendments. The Council approved these amendments by agreeing to the second reading of my private member's Bill which I introduced into the Chamber following the report of the Select Committee. The Council then reaffirmed those principles by amendments to the Attorney-General's Bill. We are now faced with the issue again and the Attorney, for some obscure reason, is suggesting that the Council should no longer insist on its amendments.

With a history such as that I suggest to the Council that we should insist on our amendments. We have voted for them on two occasions, and this is the third occasion on which they have come before the Council.

The Hon. J. C. Burdett: Third time lucky!

The Hon. C. J. SUMNER: Well, you never know in this place. I suspect that it will not be a third time lucky for the Hon. Mr Burdett.

The Hon. M. B. Cameron: We are trying to carry out election promises.

The Hon. C. J. SUMNER: The Hon. Mr Cameron talks about election promises. I would be—

Members interjecting:

The CHAIRMAN: Order!

The Hon. C. J. SUMNER: I would be happy if the Government would get on with carrying out its election promises. Honourable members in this Chamber well recall the promises of 10 000 jobs to be created, of 7 000 jobs, and the total of 17 000 jobs it promised to create. Let the Hon. Mr Cameron interject about carrying out election promises. The Government has not attempted to carry out its election promises in some areas.

The Hon. M. B. Cameron: It has.

The Hon. C. J. SUMNER: Perhaps we should feel some sympathy for that interjection. As basically the thrust of the Government's election policy had been a total failure, not only in Parliament but as far as the public is concerned as well, particularly in the area of economic management of the State and the financial and budgetary position of the State, I reject that interjection as being totally pointless.

The Hon. D. H. Laidlaw: You must be very pleased that you are not living in New South Wales.

The Hon. C. J. SUMNER: The honourable member talks of New South Wales. I saw a poll that showed Premier Wran, despite certain difficulties, having a 60 per cent

approval rating. Have members opposite seen the approval rating for our Premier—40 per cent.

Members interjecting:

The CHAIRMAN: Order! Let us get back to this matter, which has nothing to do with Premier Wran or the Premier of South Australia.

The Hon. C. J. SUMNER: I agree entirely. I am most surprised that you should admonish me in this way, Mr Chairman. I have merely answered interjections from the Hon. Mr Burdett, the Hon. Mr Laidlaw (who introduced Mr Wran), and the Hon. Mr Cameron. Apparently those interjections went unnoticed, Mr Chairman, which surprised me, because you are usually so alert.

The CHAIRMAN: Order! I was just helping you.

The Hon. C. J. SUMNER: I enjoy those interjections, because they are so easy to answer.

The Hon. L. H. Davis: Like Mr Bannon's rating!

The Hon. C. J. SUMNER: That was the fourth interjection. Mr Bannon's rating was good. I recall that Mr Tonkin (as the then Leader of the Opposition) had a rating of 21 per cent, and he has now managed to scratch that up to only 40 per cent.

Members interjecting:

The CHAIRMAN: Order! We have all had our fun, but that is enough.

The Hon. C. J. SUMNER: They have had their fun, and I am trying to deal seriously with an important Bill. The Attorney-General is being facetious in his motion. I do not suspect for one moment that he believes that this Chamber, after all the consideration given to this Bill, should not insist on its amendment. I do not wish to canvass all the arguments again, suffice to say that on two previous occasions in comparatively recent times the Committee has supported these amendments, and it should continue to do so.

The Committee divided on the motion:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Motion thus negatived.

STATUTES AMENDMENT (JUSTICES AND PRISONS) BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 2841.)

The Hon. C. J. SUMNER (Leader of the Opposition): When debating this matter previously on 16 February, I sought leave to conclude my remarks later. I also indicated that if the Bill was to be forced through in the form in which it was introduced, I would oppose it. The basis for my seeking to continue my remarks later and to have the opportunity of further considering this Bill was, first, because we did not have before us the reasons for the decision in the case *Reid v Hughes*, a decision of the Full Court of the South Australian Supreme Court which gave rise to this legislation and, secondly, because we did not have the Crown Law opinion upon which the system of executing warrants was based, that is, the system of executing warrants for non-payment of fines at the end of any prior sentence.

Apparently, this system has been in operation for a considerable time. Since it was based on a Crown Law opinion, I requested a copy of that opinion during my earlier remarks but have not yet received one. I now have the judgment of the Full Court of the Supreme Court, which was delivered on 25 February, but I do not have a copy of the Crown Law opinion, and I again request the Attorney to make that available to the Council, together with the administrative direction which was issued, I imagine, through the Department of Correctional Services and which permitted these warrants to be executed at the end of any pre-existing sentence.

However, the reasons for the decision of the Supreme Court do not take the issue very much further and I would like to deal with the legislation again in two parts. The first part is whether there is any need in the future for the legislation, and I still do not think a case has been made out for it. There is already in section 93 of the Justices Act the power for a justice who issues a warrant to make an order that that warrant shall be executed at the conclusion of any already existing sentence. In other words, that section specifically says, I believe—and this was what, in fact, the Supreme Court found—that a warrant that is delivered to the keeper of the gaol should be executed immediately. Therefore, any period spent in gaol on another offence would also count to expiate the payment of any fine which had not been paid and to which the warrant related.

Section 93 specifically provides that, while the execution is concurrent, the justice who issues the warrant could say in the warrant that it is to be executed at the end of any sentence that has already been served. I cannot see, in the light of section 93 and the interpretation that has been adopted by the Full Court of the Supreme Court in *Reid v. Hughes,* why there is any need for this legislation. It certainly has not been demonstrated. In fact, in the Supreme Court decision, Mr Justice Sangster said:

> I note, however, that the practice to which reference was made involved no resort to the provisions of the latter portion of s.93 of the Justices Act: although the making of orders pursuant to those provisions is a matter for the separate judicial decision of the justice of the peace in each case, I have no reason to suppose that most, if not all, of the prisoners affected by the point could properly have been made the subject of such an order.

In other words, Mr Justice Sangster says clearly that, with the proper use of section 93, with a justice making a judicial decision under that section, he could decide that the warrant would be executed at the conclusion of any pre-existing sentence. That seems to me to be the law as it exists at present and I would think that that is as it should be, for the reason that I explained when I last spoke. The situation could exist where a person has had only a week of liberty, if you like, within which to pay a fine that has been imposed and he is then imprisoned for another offence, spends six months in prison, and under the scheme proposed by the Government Bill would automatically have to serve that sentence in default of non-payment of a fine in respect of which he had had only seven days in which to earn the money, even though he may have been given 28 days to pay it.

That seems grossly unfair, yet that would happen if the Bill was passed in its present form. The question that the Attorney has to answer is whether he is looking at imprisonment as a first option, a primary punishment for this offence, or as a means of enforcing payment of a fine. Clearly, it ought to be the latter, yet in the situation I have outlined the prisoner may not have time to make arrangements to pay the fine and the Bill will force that prisoner to stay in gaol at the end of his sentence.

There is no doubt that the present Justices Act covers the situation. A little more care on the part of police and justices may be required, but I do not believe that that is a bad thing. As Mr Justice Sangster said, the issuing of a warrant is a judicial decision and a justice should make that decision not just as a simple act but on the basis of

information presented to him by the police. If the authorities want the sentence served at the end of any pre-existing sentence, they can do so. That is clearly the case under the present legislation. I cannot see any point in supporting the Bill in that respect.

The second point deals with the question of retrospective legislation. This Bill is clearly retrospective. It takes away from people who were wrongfully imprisoned the right to any redress for that wrongful imprisonment. It also says that a person who has paid a fine (because if he had not paid it he would have continued in prison) under duress and illegally has no right to claim the return of that fine. It wipes the slate clean as far as the situation is concerned before the passing of this Bill. It denies the right of a person who has been wrongfully imprisoned, who has had his liberty denied to him for a time, and who may have paid a fine under the threat of going to prison from any remedy. It wipes out the possibility of the first category getting any redress for wrongful imprisonment and, secondly, it denies the right of any person who pays the fine rather than being imprisoned to any claim to repayment.

The Hon. K. T. Griffin: That's not relevant.

The Hon. C. J. SUMNER: Is the Attorney saying that, if a person has paid a fine under duress, he will have a claim?

The Hon. K. T. Griffin: There is no claim in law.

The Hon. C. J. SUMNER: I am not sure that there is not a claim in law. The Attorney can respond to that. What I am putting is whether there ought to be a claim in the case of a person in gaol who is told at the end of that sentence that he has to seve another 28 days or pay $80. He has already been in gaol, the warrant has already been delivered to the gaol, and under the decision of the Supreme Court that warrant has been executed. Therefore, at the end of that gaol sentence he has no obligation to pay the fine and he certainly has no obligation to stay in prison—that is what the decision of the Supreme Court was. However, because the authorities said to him he would still have a further period in gaol, he said 'Okay, I will pay the fine,' even though under the law he had already expiated that fine by being in prison.

The effect of this Bill is to deny those two categories of people any claim. I believe that the person who had paid that fine, in effect under duress, would have a claim for the return of the fine, but this legislation wipes out such a claim—it is retrospective; there is no doubt about that. The question then arises whether the Parliament should sanction that retrospective legislation. It is always difficult to decide whether retrospective legislation should be passed. I accept the basic convention that retrospective legislation is undesirable in general but is sometimes necessary. The Parliament accepted this in the Santos case, for instance.

The Hon. K. T. Griffin: And Myer, Queenstown.

The Hon. C. J. SUMNER: It may have done it in the case of Myer, Queenstown.

The Hon. Frank Blevins: And Brian Warming.

The Hon. C. J. SUMNER: Yes, in the case of Warming under the Licensing Act. The Labor Party asserts that retrospectivity should apply in the case of tax evasion because that is the only way one can really come to grips with deliberate schemes to evade taxation. The Attorney believes that this Bill should be retrospective legislation. Of course, there are points of difference about retrospective legislation, but I do not believe that there is any argument in the Council that, as a general principle, legislation should not be retrospective. There are, of course, exceptions to that, as is recognised on both sides of the Council in different situations. I accept the convention and I believe that retrospective legislation has to be viewed and scrutinised very closely. On balance, in this case I do not believe that the legislation ought to be retrospective. I have not been convinced at this time that the legislation ought to be retrospective.

I awaited the decision of the Full Bench of the Supreme Court, but that, to my mind does not really add a great deal to the situation. I can see that the Chief Justice did not make any forceful criticism of the practice that existed before, and neither did the other judges, so that is one factor that must be taken into account. Certainly, I can say that, if there had been direct, patent culpability on the part of the Government in this situation, the case against retrospective legislation would be much stronger. However, I do not believe that the Supreme Court has been critical about the administrative arrangements.

The Hon. C. J. SUMNER: The Attorney-General says that the Chief Justice praised them. I do not think that Mr Justice Sangster went to that extent. I cannot clearly rely on that argument, and I do not. All I am saying is that had the Supreme Court (and this is the point I was making when I previously discussed this matter), been critical about the Governments that administered this arrangement, that would have been a stronger case for not agreeing to retrospectivity. However, I still believe that, in this situation, the case for retrospectivity has not been made out.

case for retrospectivity has not been made out.

There is still the fact that many people were deprived of their liberty and were imprisoned wrongly. There is evidence to suggest that the Government knew about this before the proceedings which led to the Supreme Court decision were taken. I understand that the Aboriginal Legal Rights Movement, through one of its advocates, Mr Tilmouth, drew this matter to the attention of the Government some two years ago. I understand that, more recently, the matter has been drawn to the attention of the Government by the Legal Services Commission. I further understand that a number of prisoners have, over the past few years, specifically queried the regulations.

The Hon. L. H. Davis: The last few years?

The Hon. C. J. SUMNER: I am not sure how far that goes back, but I understand that there have been queries by prisoners about this procedure. On each occasion the Government has said that the procedures stand up. In fact, those prisoners specifically requested a decision about their individual position and requested the Government to tell them whether or not they should be in prison, and the Government said that they should be. The courts have now said that that was wrong, so the basic proposition I put is that those people had been wrongly imprisoned and the Government, as the offending party, having had drawn to its attention that wrongdoing, declined to do anything about it.

The Hon. K. T. Griffin: If it wasn't retrospective, you would support the concept of the Bill for the future, would you?

The Hon. C. J. SUMNER: No. I discussed the future and I think it is dealt with adequately by section 93. I think, then, that the justice would have to make a decision in each individual case. It would be quite wrong, in the situation I put to the Council earlier, for a warrant to be executed at the end of a sentence. If a person, for instance, had only a few days to pay a fine and then spent six months in prison, at the end of that time the fine would be due and he would be imprisoned under this legislation for another eight days. Therefore, the primary punishment would be imprisonment.

The Hon. J. E. Dunford: Would he get parole, too?

The Hon. C. J. SUMNER: That is another question I want to ask the Attorney-General, because I have information that the procedure that existed previously did affect applications for parole, and that prisoners were told that they

could not apply for parole while these warrants were unexecuted at the end of their sentence. I raised that matter in debate when I previously addressed myself to this matter. I believe that there is a case for no retrospectivity in this Bill.

The Government will then argue that it will be subjected to claims from many people who have been wrongly imprisoned. That is true. However, the first point to be made is that those claims will have a limitation on them of six years, or it might even be three.

The Hon. K. T. Griffin: Plus a right in the court to extend.

The Hon. C. J. SUMNER: That is true. I do not believe that the number of claims will be overwhelming or excessive. I do not believe that the courts will treat the matter as an opportunity to provide prisoners who have been wrongfully imprisoned with a windfall.

The Hon. J. E. Dunford: They should; I'd want plenty.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: If a court decided that the mistake was purely administrative, that there was no culpability on the part of the Government and the Government did its best to obtain advice, I expect the damages awarded would not be very great. I do not believe that an individual would receive very much for damages in those circumstances. However, if a court decided that the Government had been culpable, that it could have done something about the matter, that it was negligent, careless or indifferent to a prisoner's claim—

The Hon. J. E. Dunford: The Ombudsman probably brought it to the Attorney's notice before. He's told the Attorney plenty and been told to go quiet. He was on television this evening.

The Hon. K. T. Griffin: Don't believe everything you see on television.

The Hon. C. J. SUMNER: I did not see that on television and I have not seen the report from the Ombudsman. I understand that there are certain accusations in the report which could embarrass the Government. I suppose we will have to deal with them tomorrow.

The Hon. J. E. Dunford: They could be relevant to this Bill, too.

The PRESIDENT: I do not think so.

The Hon. C. J. SUMNER: It should be up to a court to determine whether or not there is a case for damages for wrongful imprisonment. If it was purely an administrative error, I suspect the damages would not be very great. On the other hand, if the court found that the Government was culpable, the damages might well be greater. I do not believe that there is likely to be any spate of claims that will embarrass the Government or cause it any difficulty. In those circumstances, I think the position ought to be left up to the court. There is no doubt that a principle is involved where people are wrongfully imprisoned and deprived of their liberty. In that situation and on balance I do not believe that it is a case for retrospectivity. I acknowledge that this is an issue which involves some difficulties. As I have said, on balance, I believe that there is no need for this legislation and no case has been made out for retrospectivity.

The Hon. K. L. MILNE: I oppose this Bill. As a rule The Australian Democrats do not like retrospective legislation, and this Bill is clearly retrospective. One of its aims is to take away a right which those who have been kept in prison as a result of service on them of additional warrants of commitment are now found to have. That there was such a right was made clear only last week by the Full Court when a prisoner was released on a writ of *habeas corpus*. As a result of that judgment we are now presented with this Bill, which was introduced not long after that judgment was delivered. I suggest that this Bill has been prepared and introduced far too quickly, without enough thought and, consequently with little human kindness. The court's reasons have been made available, but they really do not make much difference.

In my view a Supreme Court sentence should be complete and the term for the gaol sentence should be total. A decision as serious as putting a person in prison should be based on the whole evidence, including all outstanding misdeeds or crimes. If it is not possible to have all that information before the sentencing judge, and I am told that it is usually not, owing to administrative difficulties then obviously some much better system of treatment for prisoners, as other information becomes available while they are serving their sentence, should be devised by the courts or the police, or both. One can understand that outstanding fines could be treated piece-meal, and warrants issued as they become known, but adding gaol sentences together and thus extending the time in gaol is another matter altogether and an entirely different principle.

In my view a Government, or a Parliament, has no more right to protect itself against retrospective acts than an individual has. In other words, just because a Government claims to represent the people as a whole, it has no right to be unfair or unjust to a minority of those people, especially in retrospect. This Bill is an injustice whichever way one looks at it. Consequently, we must all share the blame and the responsibility and whatever the cost. Looking at this matter calmly, I should say the cost may not be very great, because the injustice will only be rectified back for six years anyway, so I understand.

As the Hon. Mr Sumner predicted, the courts are unlikely to make this a windfall because, after all, the people concerned offended against the law. I am not sure that many of them would want their case brought up and publicly aired again after they had rehabilitated themselves in the outside world.

I do not know yet how many prisoners and former prisoners could be involved, but I think that this number should be disclosed to the Parliament. I do not know how many people who have been in gaol, and who have got on with a new life again, would want to raise the matter in a claim for damages, thus bringing to everybody's notice that they have a criminal record. Also, I cannot see clearly what damages they could claim; it may be so much a week for a job they could have had but were prevented from taking, or it could be a much bigger claim on some damages formula. I think the Parliament should be given some information on this matter. It is an interesting point, I think, but not necessarily very relevant, that the cost of continued imprisonment of these people (which I understand to be approximately $60 a day) is far greater than the fines being expiated, which was at one time $10 an extra day in gaol, and is now $25, I understand. Just who calculated this, and on what basis, I have no idea.

Nevertheless, the bitterness that this procedure engenders in prisoners eventually released would outweigh any other reason for keeping them there. Prisoners have enough problems in getting back to a normal life again without provocation like this. Quite apart from the principle that legislation should not be retrospective and that people should not have their rights taken away by Acts of Parliament, I ask honourable members, and I ask myself, 'Was the practice which this Bill aims to validate really valid in the first place?' Leaving aside the fact that the people concerned have done wrong to society, I am sure that this practice was unfair and should be discontinued.

I understand that what has been happening is that prisoners, as they were released, were confronted with one or

more warrants for non-payment of one or more outstanding fines, costs, compensation or other things.

The Hon. J. E. Dunford: They couldn't pay it with the wages they got, anyway.

The Hon. K. L. MILNE: They have not got any.

The Hon. J. E. Dunford: They get wages.

The Hon. K. L. MILNE: They are not allowed to use them for this purpose. I was saying that, when prisoners are about to leave a prison, they are then confronted with these warrants. That is despicable. Prisoners are then given the choice of either paying the amount due in cash—and they have no cash—or of staying in gaol for an extra period to expiate the amount due. This is obviously Hobson's Choice. Prisoners may earn a litle money while they are in gaol, but I understand that they are not allowed to use it for this purpose. It is obvious that this is unfair. In the circumstances prisoners cannot possibly pay and the authorities know that they cannot do so. Why then go through the awful charade of release and regaoling.

I gather that what was happening was that prisoners were being given civilian clothes, marched to the door, presented with a warrant, marched back again and put into prison clothes. That is not the best way to handle a situation such as this. Apart from the crushing disappointment for the prisoner (and possibly for their wives, children or relatives), of having to stay longer in gaol than was anticipated and possibly having to cancel arrangements already made, would it not be more sensible, practical and fair, to allow the prisoner to come out of gaol and to give them the chance to earn some money to pay what is outstanding?

One might argue that, after all the hardships suffered by the family during the breadwinner's time in gaol, even this would be harsh treatment. The practice in operation when this matter was uncovered was slightly better than used to happen. I understand that the old practice, discontinued only recently (and I would like to know why there was a review of it), was actually to issue the person being released with civilian clothes, take him or her to the gate of the gaol, where a Police Officer would then serve the warrant or warrants on that person, and the prisoner would then be sent back to gaol. Can one imagine anything more barbaric, more unforgivable and more calculated to create bitterness and unrest than that?

It has been said that nobody knew about all this, or realised that it was happening. We are given the impression that nobody has complained about this in the past; I believe that that is not true. My colleague, Mr Robin Millhouse, received a letter from Mr S. W. Tilmouth, of S. W. Tilmouth and Co., Barristers and Solicitors, dated 12 February 1982, which states:

Dear Mr Millhouse,

I refer to the Justices Act Amendment Bill presently before Parliament affecting the practice of the Correctional Services Department of serving warrants accumulatively upon prisoners.

I have been alarmed to hear the Attorney-General claim that the illegality of such a practice is considered a technical loophole which has only recently been discovered. In my years of experience, initially as first Solicitor for the Aboriginal Legal Rights Movement and later as Senior Solicitor, I would like to assure you that this matter was a constantly recurring problem amongst Aboriginal detainees.

The matter was consistently raised by Aboriginal persons with successive Ministers of Community Welfare and Attorneys-General over a number of years. The same problem was also raised in the Police/Aboriginal Liaison Committee. Indeed the matter was of such concern to the movement that it looked for circumstances to bring proceedings by way of a 'test' case, but unfortunately cases only came to their notice after prisoners had been released, when it was too late to do anything about the matter.

However, in 1978 an apparently ideal situation came to its notice and was taken to the Full Court on habeas corpus. The Full Court ordered release of the prisoner but decided to do so on different grounds other than by illegal accumulation of outstanding warrants (see *In Re Weetra* (1978) 18 SASR 321).

More recently however the issue was raised at the Royal Commission into Prisons. I was counsel in that commission acting on the instructions of the Aboriginal Legal Rights Movement and the point was taken before Mr Gresley Clarkson, Q.C., that these practices were unlawful.

Indeed, I cross-examined the Director of the Department Mr W. A. Stewart regarding that matter.

The letter then gives the pages of evidence taken by the Commissioner. The letter continues:

Mr Stewart said that warrants were served in succession and added:

> We operate under a legal opinion from the Crown Law and it has always operated in South Australia that a warrant is served at the expiration of a sentence because in fact the warrant is only held at the gaol for convenience sake. The warrant is really still in the possession of the police.

In my view that is stretching the matter a bit far. Either the warrant was delivered to the gaol for presentation to the prisoner or it was not and should not been there at all. The letter continues:

Furthermore in my written submission to the commission on the 14 October 1981 I argued that this practice was unlawful and asked him to give consideration to the matter in his report. I referred to the cross-examination in question and also outlined briefly the argument in favour of my contention. Regrettably this matter was not dealt with at all, in the commission report. Apart from the obvious fault that these proceedings deny persons the opportunity to earn moneys to meet their warrant commitments, it also may deny them in the case of warrants involving detention for three months or more, remission and other liberties normally accruing on such sentences.

I should also like to point out that this practice is related to a similar practice of withholding estreatment proceedings on suspended sentences until the expiration of the sentence being served. Although the practice in this regard varies, generally speaking they are withheld especially in the case of offences in Courts of Summary Jurisdiction where the police, rather than the Crown, are responsible for initiating proceedings. It has always been my contention that the latter question should be one to be dealt with by the courts and not by administrative authorities. In view of the recent controversy about these matters I thought I would communicate the above facts for your information.

Yours faithfully, S. W. Tilmouth

I received another letter from a Mr Lenn Lehmann, Convenor, South Australian Prisoners' Action Committee, dated 19 February 1982. This short letter states:

Dear Sir,

I am writing to you on behalf of SAPAC which opposes the Bill to amend the Justice Act, which appear to have the effect of requiring prisoners who have failed to pay fines or costs to serve the 'default' period of imprisonment at the end of their sentences.

As we understand the present legislation it requires the judges, magistrates or justices of the peace issuing the warrant for imprisonment to specify when the 'default' period is to begin and where this is not specified, such periods should run concurrently with existing sentences.

The practice for some years, although not 28 years as some publicity has suggested, has been for warrants to be served on prisoners at the end of their sentences not withstanding that many warrants have not had endorsements indicating when the 'default' sentences should commence.

The Full Court of the Supreme Court of South Australia has recently found this practice unlawful and hence some people may have rights to compensation for wrongful imprisonment. The proposed amendments are designed to take away those rights. We enclose the submission prepared by SAPAC opposing the Bill presently before the House of Assembly.

We understand your Party is opposed to the proposed amendments and we support your stand. We urge you to consider the wider submission we make regarding the imposition of prison sentences in default of payment of fines and costs.

Yours faithfully,
(Signed) Lenn Lehmann

As for the future, the Bill is not really necessary—section 93 of the Justices Act already provides that a justice, when issuing a warrant may direct in writing on the warrant, that 'The imprisonment for such subsequent offences shall commence at the expiration of the imprisonment to which such defendant has been previously adjudged, or sentenced.' There is a similar provision in the Prisons Act—section 24 (3), for higher courts.

The problem for the Government is simply that such directions have not been added to the warrants, and this applies of course to previous Governments, which must share the responsibility. This is not an attack on the Government. Mr Robin Millhouse has already admitted that this was happening, apparently unknown to him, during his term as Attorney-General. Therefore, I sum up the reasons for my opposition to this Bill like this: as for the past, it has been found that the practice was both unfair in principle, and I believe also as a matter of fact; as for the future, it is quite unnecessary, provided that the justices and the courts do their job properly.

Post-sentence warrants are now seen to be a vital part of prison reform and should be dealt with in any comprehensive legislation which the Government may be preparing, and not just dealt with like this.

The Hon. FRANK BLEVINS: This Bill certainly gives much difficulty to honourable members from both sides of the Council, because it is one of those issues that come up from time to time where we have conflicting principles. On the one hand, as the lawyers say, we have the good and necessary principle that retrospective legislation is to be avoided if at all possible. This is a case where retrospective legislation can be avoided without great harm being done to the community. The basis of retrospective legislation, as honourable members know, is that Parliament makes some act illegal which at the time it was undertaken was perfectly legal.

Even the United Nations Universal Declaration of Human Rights has something to say about people not being subjected to legal force of that nature. There are good arguments for it, and I am certainly the first to concede that they are extremely good. That is the theory, and it is based on sound principles. However, in the real world one cannot always deal with those theories in the way that one would wish. They look good on paper and we attempt as much as possible to adhere to them, but in the real world it is extremely difficult because laws are man-made things and can have flaws in them.

The intention of Parliament is not always made perfectly clear. On occasion, to correct something that Parliament did not intend means that reluctantly we have to legislate retrospectively. I am not convinced by the argument so far that this is one of those issues. If some great harm was to be done to the community if this legislation were not passed, then obviously the case would be stronger, but what is the maximum harm that can be done? What is the worst possible scenario? People who have been wrongly imprisoned could apply for damages. I believe that there are not many of them, although the exact figure has not been given. Those people have been wrongly imprisoned and we would normally say that that warranted some compensation. If the compensation were to run into millions or tens of millions of dollars, I would have to try and equate the moral argument against the dollars involved. In our society the dollars often win, but it is not tens of millions of dollars that are involved.

The Hon. Anne Levy interjecting:

The Hon. FRANK BLEVINS: The Hon. Anne Levy interjects and says that morals have a monetary value. I can distinctly remember the honourable member and I having to consider retrospective legislation where a businessman in the community had legally conducted his business and we decided that there were some undesirable elements in that business. We retrospectively legislated against that man to cost him hundreds of thousands of dollars. The Hon. Anne Levy's moral principles are exactly the same as mine, and in that case we did compromise.

The Hon. Anne Levy: He made millions.

The Hon. FRANK BLEVINS: He did, and legally. We compromised our principles to get between $200 000 and $300 000 from that person. Apparently morals do have a price for both the honourable member and me. In that case I calculated it was about $300 000.

In this case, there is no doubt that the damages that would be given, rightly or wrongly, would be fairly trivial, because this was done in good faith. I know that the fact that it was done without malicious intent or in good faith could not excuse a person but, when a court is deciding how much damages to award, I am sure it will take into consideration the fact that the State did not, with any malicious intent, deprive these people of liberty. They will consider the fact that it was a technical problem rather than a desire by the State to wrongly imprison.

I think the courts consist of reasonable people and they would consider that matter, so the damages would be trivial. We have to consider whether it is worth legislating retrospectively for an amount that may only be about $1 000. On the calculation that the Hon. Anne Levy and I worked out last time, we saw the amount at $300 000, but with an amount like that in this case, the more I speak the more I am convincing myself that perhaps on this occasion it is not worth it. The Hon. Lance Milne referred to one submission that was given to members of Parliament by a Mr Lenn Lehmann, Convener of the South Australian Prisoners Action Committee. The Hon. Mr Milne read the covering letter. He did not, as I understand, read the actual submission put to members.

The Hon. K. L. Milne: Have you got it?

The Hon. FRANK BLEVINS: Yes. I was pleased that he did not read it, as I intend to do it so that Parliament will become aware of this argument, which has many telling points. The argument is put in this document submitted to us by the South Australian Prisoners Action Committee on Proposed Amendments to the Justices Act. It states:

> The South Australian Prisoners Action Committee opposes legislation which fixes imprisonment in default of payment of fines and costs. Imprisonment for non-payment of civil debts has been abolished and the Poverty Commission has recommended that imprisonment for non-appearance in answer to unsatisfied judgment summonses be abolished. Consistent with this the SAPAC says that fines and costs should be recoverable by way of civil proceedings or by some method of community work order of the sort applicable to juvenile offenders in other States.
>
> Imprisonment is so serious a deprivation of the liberty of a citizen and so traumatic in its effect on the prisoner and his family that it should be used only as a last resort in the punishment of offenders and not as a sanction for the payment of fines which after all are penalties imposed for the least serious offences.

I think that is a very good point. Here we are talking about fines imposed by a court and, generally speaking, they are only imposed for relatively minor offences. If the offence was more serious, the court would presumably impose a period of imprisonment. It seems harsh, to start with, that a person who has been fined for a relatively minor offence then has to serve a term of imprisonment for no other reason than that the person has not the money to pay the fine. If the person on whom a trivial fine is imposed is reasonably affluent, he does not go to gaol; he pays the fine. That is a fundamental injustice in the law under which we all live. There is one law for the rich and one for the poor. For the same offence, the rich pay the fine and the poor go to gaol. That is to be deplored and we should avoid that situation if we can. I will conclude my thoughts on this Bill by putting to the Council the remainder of this fine submission, as follows:

> SAPAC is therefore opposed to the present powers in the Justices Act for the imposition of imprisonment for non-payment of fines and costs and it seeks amendments to the Act which would bring this about.
>
> The committee is certainly opposed to the present amendments before the Parliament as it believes that if imprisonment is to be available as a sanction for the non-payment of fines and costs,

warrants for such imprisonment should be served forthwith upon offenders failing to pay the fines or costs within the prescribed time, and the 'default' period of imprisonment should commence running from the time of the service of the warrant. The committee is opposed to the exercise of any judicial discretion in the decision to make such sentences cumulative upon existing sentences. The committee advances the following reasons in support of its stand:

1. When judges and magistrates impose sentences of imprisonment they take into account the need to rehabilitate the offender and thus avoid imposing crushing sentences. This aim may be defeated by the imposition of extra sentences of imprisonment for non-payment of fines and warrants.
2. The cost of keeping people in prison is far greater than the sums 'cut out' by the term of imprisonment in default of payment. It costs $16 700 per year (about $45 per day) to keep a prisoner in Yatala Labour Prison and the amount 'cut out' each day is $25.
3. The practice of imposing sentences of imprisonment in default of payment affects only the poorest sections of the community. This is causing greater stress during times of growing unemployment.
4. It is common for the families of prisoners who know they have warrants waiting to be executed upon them at the end of their sentences to sacrifice, at great cost, to pay fines before a prisoner's release. This compounds the suffering families have already undergone during the term of the prisoner's sentence.
5. Prisons in South Australia are generally so antiquated that a sentence in our present institutions should expunge all debts to society.

Just as the committee is opposed to amendments to the justices Act which would require people to serve sentences of imprisonment in default of payment of fines henceforth, it is equally opposed to retrospective legislation which would deny people rights they acquired as a result of unlawful, albeit *bona fide*, acts of police, prison authorities and judicial officers. The principle of retrospective legislation is repugnant to common law notions of justice. Pre-existing rights should not be denied people for expedient purposes.

The issue is very complicated. There are arguments on both sides and I will be interested in following the remainder of the debate before making up my mind as to the merits or otherwise of the Bill.

The Hon. M. B. CAMERON secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (1982)

In Committee.

(Continued from 17 February. Page 2907.)

Clauses 2 to 5 passed.

Clause 6—'Interpretation.'

The Hon. R. C. DeGARIS: I move:

Page 2, lines 4 and 5—Leave out paragraph *(d)* and insert paragraph as follows:

(d) any other person who—

(i) accepts money on deposit from the public; or

(ii) in the course of a business or profession, keeps records of financial transactions of his customers or clients:

To recount the reasons I have for moving this amendment, it appears to me that the provision expands the definition to include certain other institutions that carry on banking-type businesses and includes building societies, credit unions, and any other body that accepts money on deposit from the public. The Bill then deals with the question of banking records and states the following:

'banking records' means—

(a) books of account, accounts, and accounting records (including working papers and other documents necessary to explain the methods and calculations by which accounts are made up);

(b) books, diaries, or other records used in the course of carrying on the business of banking;

(c) cheques, bills of exchange, promissory notes, orders for the payment of money, invoices, receipts and vouchers; and

(d) securities, and documents of title to securities,

in the possession or control of a bank:

As we are expanding the definition of 'bank', I feel that if the Evidence Act requires this sort of information it should not be restricted to those organisations only. The Attorney made officers of the Corporate Affairs Commission available to discuss this question with me. Their view is that they do not require this particular power. I would still like to put my amendment, although I do not think there will be much support for it from the Committee.

However, I make the point that in this particular matter if a person's security documents or titles to securities are in the control of a bank they can be inspected by the use of this power, but if they are in a solicitor's safe, an accountant's safe or your own safe at home then they are not subject to inspection under this Bill. That, I think, is an anomaly. If the power is required, it should not be restricted by applying it only to certain organisations.

During discussions with the Corporate Affairs Commission officers they pointed out that, if they can get access to banking records and they discover a certain amount of evidence, they can then use the Police Offences Act to enable them to look at records elsewhere. I believe that the power in the Evidence Act is wider than that in the Police Offences Act, which I do not have before me. However, from memory it puts the question from the point of view of the administration of justice, which is very wide. Under the Police Offences Act there must be a reasonable suspicion before a search warrant can be used to search anybody's possessions.

I feel that the Bill is lacking and that it should apply with equality to any person holding any records in relation to this type of investigation. I raise the question of T.A.B. records and of records in accountants offices. I raise, also, the question of records in a person's possession. I think that the Evidence Act should contain a wider power in this regard. It may be that the Corporate Affairs Commission people do not want any enlargement of the power contained here and they may be right that they can use the powers in the Police Offences Act to supplement the powers they have here. Nevertheless, I believe that to place the matter clearly in this area of white-collar crime there is a need, where the administration of justice is required to be undertaken, if they do have access to those records in a bank, that they should have access to them wherever they may be.

The Hon. FRANK BLEVINS: This is a complicated matter and is certainly an interesting philosophical argument. I will now give the Committee another one. The arguments in this particular Bill, and hence within this clause before the Committee, are interesting and complex. The notion that we all have of a person's right to privacy is one that we cherish and the thought of people prying into our records, bank accounts, or (if the Hon. Mr DeGaris's amendment is carried), trust funds, for example, of solicitors, opens up some very interesting matters for debate.

We appreciate that, where people are conducting their affairs in a perfectly proper manner, society, by and large, does not wish to intrude into those affairs. Generally speaking, we as a Parliament and defender of people's rights would not permit people to pry into other people's affairs like that, and I uphold that strongly.

There are several areas where it is necessary for the protection of society as a whole to move away from an individual's right to privacy. Off hand, I can think of two examples, that is, in the area of white-collar crime and in the possibly not unrelated field of pecuniary interests of members of Parliament. Society has a right to be protected by the amount of exposure necessary for society to be sure that illegal or undesirable practices are not being permitted. It is a difficult area and one where we are trying to balance

the rights of individuals with the much broader rights of society.

I understand that solicitors hold many millions of dollars which can be used in a way that was certainly not intended, and I am sure we can all give examples of that. The Opposition will give serious consideration to the Hon. Mr DeGaris's amendment. The shadow Attorney-General, Mr Sumner, is giving this measure his deep consideration and he will give the Committee the benefit of his consideration at the appropriate time.

The Hon. K. L. MILNE: In principle, I support the Hon. Mr DeGaris's intention, but I oppose this clause as it now stands. I feel the same way as does the Hon. Mr DeGaris. Looking at banking records only can be quite inadequate. I have spoken to officers of the department who have told me that that is all the information they need, because it leads them into other avenues and gives them sufficient evidence to go further under the Police Offences Act or some other Act. However, I am not sure that it does. This situation may arise again when they find that they do not have sufficient power to act. It must be taken very carefully a step at a time.

I agree with the Hon. Mr Blevins that privacy is a right and that we must be very careful before we take it away. If we are going to legislate to have rights over documents kept by professional bodies, those professional bodies should be consulted and the ethical position examined very carefully. A freedom of our democratic society is the opportunity to engage professional people with absolute confidentiality.

The Hon. R. C. DeGaris: Such as a bank.

The Hon. K. L. MILNE: No, banking is not a profession. I am referring to professional people in public practice who charge fees for their work.

The Hon. C. J. Sumner: Don't banks charge fees?

The Hon. K. L. MILNE: Banks charge fees, but their service is entirely different from a professional person's service. I am mainly referring to lawyers and accountants in public practice. It would be a pity to pass this amendment without consulting those professional people properly, and I think we would regret such a course of action. I suggest that Government should consider how far it should go in relation to documents in the possession of professional advisers.

The Hon. K. T. GRIFFIN: I follow what the Hon. Mr DeGaris has put to the Committee, but I cannot agree with it. It is a particularly complex question, and his amendment raises questions of legal professional privilege, which is recognised in the law but which would be impinged upon by this amendment. As the Hon. Mr Milne suggested, a wide ranging amendment such as this should be carefully considered and discussed fully with all of the professional bodies likely to be affected. The Committee should remember that that part of the Evidence Act relating to bankers' books was first enacted in 1879, over 100 years ago, when banking was very much different from the present service. In those days a banker was a person in whom confidences were entrusted. He did not have the computers or the other sophisticated equipment which now go with banking. He kept a banker's book, which was very different from the statements and other records that are kept by banks today.

The part of the Bill dealt with by this amendment is a very limited provision which allows access to the banker's book and provides for the way in which entries can be proved before a court. The amendments, at large, seek to bring the Act up to date and bring it into the 20th century to ensure that the sophisticated equipment now used to keep banking records is covered by the Evidence Act. The new National Companies and Securities Scheme has very wide powers with respect to access to company records, including banking records. That does not extend to records of individuals kept at banks. Therefore, the two would very much work in tandem. There may be some day-to-day difficulty because some parts of the powers of investigators are in the Evidence Act and some in the Police Offences Act. However, my advisers indicate that they do not expect any difficulties if the Government's amendments are passed. However, I cannot support the Hon. Mr DeGaris's amendment at this stage.

The Hon. R. C. DeGARIS: Some of the things that have been said about the amendment are not covered by the amendment. The amendment deals with any other person who accepts money on deposit from the public or in the course of a business or profession keeps records of financial transactions of his customers or clients. That is exactly what a bank does. The amendment does not deal with the professional relationship—

The Hon. K. T. Griffin: Paragraph (ii) does.

The Hon. R. C. DeGARIS: No, I do not think it does. He has to be a customer or client and he must keep financial records. That is exactly what a bank does.

The Hon. K. L. Milne: That is exactly what an accountant does.

The Hon. R. C. DeGARIS: Yes. It must be the records of financial transactions of his customers or clients. That is exactly what a bank does.

The Hon. K. L. Milne: Are you referring to finance companies and building societies as well?

The Hon. R. C. DeGARIS: Yes, credit unions and finance companies are included.

The Hon. C. J. Sumner: They are there.

The Hon. R. C. DeGARIS: Yes, they are there. Other transactions are exactly the same and should be caught. One has to accept that under the Police Offences Act search warrants can be used to go into a solicitor's safe if there is reasonable suspicion, but one can go into a bank safe on the basis of the administration of justice. The application of the reason for that interference should be the same in both cases.

The Hon. C. J. SUMNER: Like the Hon. Frank Blevins, I can see some merit in what the Hon. Mr DeGaris is saying. He wants to ensure that the legislation, which is designed to facilitate the inspection of bankers' and like records, is made as effective as possible and that there is some logical consistency running through that proposition. The Hon. Mr DeGaris cannot see why, if the records of building societies can be inspected, that inspection should not apply to records kept by accountants or lawyers. On the face of it, it is very difficult to argue with that proposition.

Has the Hon. Mr DeGaris considered the implications from the point of view of traditional professional privilege which lawyers have? That issue has been raised by the Attorney-General and the Hon. Mr Milne, and it also worries me. I do not see that as an insuperable obstacle to this amendment. It may well be that it is a matter that needs to be more carefully looked at. There are certain rules relating to professional privilege which are enshrined, not in legislation, not in the common law of our community, and it could be—

The Hon. R. C. DeGaris: How about the Police Offences Act?

The Hon. C. J. SUMNER: Certainly, except that then there must be established a reasonable suspicion for that professional privilege to be overcome.

The Hon. K. L. Milne: Professional men could be liable for giving up the records too easily.

The Hon. C. J. SUMNER: That is right. There have been disputes whether or not a reasonable suspicion is sufficient to enable prosecutors or police to inspect documents held by a solicitor or an accountant. In certain

circumstances the right of professional privilege has been held to be absolute. Clearly, that situation pertains in a matter of a person accused of a crime who may admit that crime to the solicitor. That does not mean that the police can then move into the premises of that solicitor and subpoena any statements the client has given to the solicitor; that is protected by professsional privilege.

The question that is raised in this case is a similar one. How does the Hon. Mr DeGaris see the potential conflict between his amendment and the principle of professional privilege? I am not saying that that principle cannot be overruled in certain circumstances. The question really is that, if it is to be overruled, it ought to be done after careful consideration and after consideration of the law relating to professional privilege, particularly in the case of solicitors where the principle of professional privilege is fairly important and is generally given paramountcy in any legal dispute. There are examples where lawyers have defended, very vigorously, the rights of that privilege, and for very good reason. How does the Hon. Mr DeGaris resolve that particular problem with his amendment?

The Hon. R. C. DeGARIS: If there is an argument in relation to professional privilege where the Leader has said that under the Police Offences Act it has been challenged, it could also be challenged under this amendment. I do not see any conflict with that issue.

The Hon. J. C. Burdett: The problem should be faced.

The Hon. R. C. DeGARIS: The problem is being faced; it is faced in the Police Offences Act. The only variation is the question of the administration of justice or, in the Police Offences Act, with a reasonable suspicion. From advice I have received I feel that reasonable suspicion can be established by the examination of bankers' records, when there would be access under the Police Offences Act to records wanted in other areas. That is advice I have received. In that case, we should be genuine about it and include the power in this Act.

The Hon. C. J. SUMNER: I am aware of the point the Hon. Mr DeGaris is putting, but I am not disposed to support the amendment at this stage. I would like the Attorney-General to respond to this proposition: that he take the Hon. Mr DeGaris's amendment back to his advisers and at some future stage provide a report to the Council on whether or not this amendment is desirable and fits in with the general principles of the rules relating to professional privilege. As I understand the Minister's advisers, the Corporate Affairs Commission is not particularly worried about whether the Hon. Mr DeGaris's amendment is passed and it believes that this Bill, passed in its present form, will give it the powers that it requires. On the basis of that understanding, I am not unduly fussed about it at this stage but, in deference to the Hon. Mr DeGaris's thoughtful consideration of this issue, the Attorney-General should undertake to investigate the issue and provide a report to the Chamber. From the Hon. Mr Cameron's response and his somewhat cynical laugh, he has been in politics for far too long. I make this request genuinely to the Attorney as it is quite a reasonable request.

The Hon. K. T. GRIFFIN: If the powers prove to be inadequate in the context of the amendment proposed by the Hon. Mr DeGaris, then at some time in the future the matter will be brought back to the Chamber. The advice I have, and my own assessment of it, is that it is not necessary to pass the amendment of the Hon. Mr DeGaris. The Bill is adequate to deal with all of the difficulties that the Corporate Affairs Commission and the police have encountered in the past in respect to access to records referred to in the Bill. The position from my point of view is clear that, if at some time in the future a further amendment is necessary and it equates with the amendment of the Hon. Mr DeGaris, it will come back to the Chamber.

The Hon. C. J. SUMNER: I would have thought the Attorney should try to foresee the difficulties that may arise. I am disappointed that he is brushing this amendment off in such a cavalier fashion. I believe that a report to the Chamber on the proposition put by the Hon. Mr DeGaris is quite a reasonable request to make for a member of this Council.

The honourable member has put it up in good faith. There is some merit in his argument. There is no question about that. Difficulties have been raised in regard to professional privilege. It should not be beyond the capacity of the Government to produce a report for the Committee and to see whether or not accommodation can be made with the Hon. Mr DeGaris. If the Attorney is willing to give me that assurance, I am happy to let him have his Bill and this clause as it is.

The Hon. K. T. GRIFFIN: I am forward looking and I foresee no difficulties with the Bill that I have brought in. I also foresee no difficulties if the amendment of the Hon. Mr DeGaris is not passed.

The Hon. C. J. Sumner: What about a report?

The Hon. K. T. GRIFFIN: I do not see that that is appropriate. My officers and I have considered it and believe that it is unnecessary. If for some reason that we cannot see there is a problem that relates directly to the matters raised by the Hon. Mr DeGaris, undoubtedly we will bring the matter back to Parliament.

Amendment negatived.

The Hon. K. T. GRIFFIN: I move:

Page 2, line 13—After 'promissory notes,' insert 'deposit slips,'

This amendment includes deposit slips as one of a series of records included in the definition of banking records. It was omitted as an oversight in drafting and is now to be included for the sake of completeness.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 2, line 41—Leave out 'has' and insert 'had at a time, or over a period, specified in the affidavit'.

Again, this is merely a drafting correction. If the amendment is carried, this provision will read:

An affidavit made by an officer of a bank stating that a person named in the affidavit had at a time, or over a period, specified in the affidavit no account at the bank, or at a specified branch, is admissible in legal proceedings as evidence of the facts stated.

The amendment tidies up the drafting.

Amendment carried; clause as amended passed.

Clause 7—'Power to order inspection of banking records, etc.'

The Hon. K. L. MILNE: I move:

Page 3, lines 8 and 9—Leave out 'or' and paragraph *(c)*.

This keeps important decisions with judges, not magistrates. I ask the Committee to consider my amendment.

The Hon. K. T. GRIFFIN: My only reservation about the amendment is that it may not always be convenient when such an order is required (for instance, on weekends and on holidays) for one to go before a District Court judge. The availability of a special magistrate does facilitate the obtaining of such an order.

The Hon. C. J. SUMNER: Regarding bankers' records, I understand that at present a judge must make the final decision. Is that so?

The Hon. K. T. GRIFFIN: I am advised by Parliamentary Counsel that 'judge' is defined in the Act as including a magistrate for the purpose of this provision. Section 52 of the Act provides:

In this Part of this Act 'judge' means—
(a) Judge of the Supreme Court; and

(b) any person who is authorised by law to exercise in relation to the proceeding in question the powers of a judge of the Supreme Court with respect to the trial of any cause or matter or issue of fact; and

(c) the judge in insolvency in relation to any cause or matter pending in the court of insolvency; and

(d) any Local Court judge, District Criminal Court judge, or special magistrate in relation to any proceedings pending before a local court or before justices.

The present Part allows special magistrates, among others, to make this order. I am advised by my officers that this has worked satisfactorily in the past, and that it is often more convenient, because of the urgency of a certain matter, to find a special magistrate than it is to find a District Court judge or a Supreme Court judge. For that reason, I would prefer to see this Part of the Bill provide that a Supreme Court judge, a District Court judge, or a special magistrate should be the judicial officer who may be authorised to make an order.

The Hon. C. J. SUMNER: I think that I should chide the Attorney-General for his churlishness in not thanking me for the assistance that I gave him on this point. Had I not raised this question, the Attorney would not have had a powerful argument to launch against the Hon. Mr Milne. I am a little surprised that he did not recognise the assistance that I gave.

The Hon. K. T. Griffin: I appreciated the question, but you didn't understand it, either, did you?

The Hon. C. J. SUMNER: I am sure that that was an oversight and that the Attorney will not let it happen again. It is a little odd that the Hon. Lance Milne is now suggesting that special magistrates should be able to issue these orders to inspect bankers' records when that is the current situation. Nevertheless, this is not the first time that the Hon. Mr Milne has done something odd or suggested that something odd should be done.

Indeed, it is not the first time that members on this side of the House have done something odd. Being in a contrary mood at present, I feel disposed, despite his lack of support on other issues today, to support the Hon. Mr Milne in this manner.

The Committee divided on the amendment:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne (teller), C. J. Sumner, 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, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. K. T. GRIFFIN: I move:

Page 3, line 10—After 'police force' insert 'or an officer of the Corporate Affairs Commission'.

An application in this matter may, in fact, be made by an officer of the Corporate Affairs Commission who is not one of the seconded police officers. For that reason I move this amendment to broaden the range of persons who could make this application. It is particularly important in respect of corporate affairs matters that a corporate affairs officer be one of the persons authorised to make the application to the court for such an order.

Amendment carried.

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

Page 3, line 13—Leave out 'or special magistrate'.

The Hon. K. T. GRIFFIN: I will not call a division on this, as the principle was decided in an earlier amendment. It can be dealt with at a later stage, in any event.

Amendment carried.

The Hon. K. L. MILNE: I move:

Page 3, lines 18 and 19—Leave out paragraph *(d)*.

The Hon. K. T. GRIFFIN: I will not divide on this amendment, as the principle was also decided at an earlier stage.

Amendment carried.

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

Page 3, line 21—Leave out 'subsection' and insert 'subsections'.

Amendment carried.

The CHAIRMAN: I point out that the Attorney-General and the Leader both wish to insert subsections after line 21. I suggest that they both stick to their various amendments, and I ask that the Attorney-General move his first.

The Hon. C. J. Sumner: How come he gets in first? My amendment was first on the file.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C. J. SUMNER: Mr Chairman, I rise on a point of order. I think it is quite wrong to call the Attorney-General first, because my amendments were placed on file well before his. As far as this particular clause is concerned, he is a Johnny-come-lately. I think this is a serious point. If a member places an amendment on file first and another amendment to be moved by another member can be dealt with at the same time, the member who placed his amendment on file first should have his amendment dealt with first.

The CHAIRMAN: I take the Leader's point. However, I have no indication to alert me as to which amendment was placed on file first.

The Hon. C. J. SUMNER: The Attorney's amendment is dated 3 March.

The Hon. K. T. Griffin: Get on with it. I do not mind speaking after you.

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

Page 3—Line 21—Leave out 'subsection' and insert 'subsections'.
After line 21—insert subsections as follows:

(2a) Where an order is made under this section authorising the inspection of banking records relating to the financial dealings of a person, and that person was not summoned to appear in the proceedings in which the order was made, the judge shall cause written notice of the order to be given to that person forthwith after the making of the order.

(2b) The Attorney-General shall, in each month, cause to be published in the *Gazette* a notice setting out—

(a) the number of applications made under subsection (1a) during the preceding month; and

(b) the names of the judges to whom the applications were made, and the number of applications made to each of those judges'.

This issue was debated at length when the Bill was previously before the Committee. The basic argument is that some notice should be given to a person whose records are inspected. We believe that a magistrate or judge should give written notice of any order made under this section to a person affected by the order as soon as possible after the order is made. We also maintain that in each month the Attorney-General should publish in the *Gazette* a notice setting out the number of applications during the preceding month and the names of the judges and magistrates who made the orders. If proceedings of this kind are taken, some notice should be given to the person affected. I accept that it is a compromise. It is not a completely satisfactory arrangement but at least it does give some protection to the rights of individuals who have their records inspected.

The Hon. K. T. GRIFFIN: I am surprised that the Leader should move this amendment. It alerts suspects to the fact that their banking records are the subject of an order for inspection by the Corporate Affairs Commission or the police, immediately the order is made by a judicial officer.

The Hon. N. K. Foster: Crooks don't put their money into banks.

The Hon. K. T. GRIFFIN: It amazes me that the Leader of the Opposition should move this amendment, because it alerts a suspect. It is all very well for the Hon. Mr Foster to interject and suggest that some criminals do not put their money into banks. The fact is that in corporate fraud cheques are often part of the proceeds when the fraud is perpetrated.

The Hon. N. K. Foster: Like Sinclair, for instance.

The Hon. K. T. GRIFFIN: No, let us not get into that. Let us talk about general principles and not debate issues in another jurisdiction. If it is supported, this amendment will allow a criminal or suspected criminal to have notice of a judge's order for a bank to disclose information about his records as soon as the order is made. The criminal may not have been aware that his affairs are being so closely scrutinised by investigators and will immediately be alerted. He will be able to doctor his other records at his home, in his safe, or somewhere else, or immediately destroy his cheque butts or something else which might be pertinent to the investigation.

I am really surprised that the Leader of the Opposition would seek to do that. Might I suggest that the Committee should consider my amendment in preference to that of the Leader of the Opposition. Perhaps I can persuade members opposite to support my amendment. It seeks to provide that, within six months of the order being made, notice of that order is to be given to the person whose records have been the subject of an order unless the person has been charged with a criminal offence, and unless the time has been further extended by the judicial officer who is making the order.

My amendment also provides (and this is preferable to the Leader's proposition) that the Commissioner of Police and the Commissioner for Corporate Affairs are required to keep records of the applications and the orders made for a period of six months after the order is made and a report must be made to the Minister in each calendar year as to the applications that have been made. That notice may be given in the annual report of the Commissioner—

The CHAIRMAN: Order! There is too much audible conversation. It is difficult to hear what the Minister is saying.

The Hon. K. T. GRIFFIN: —or in the annual report of the Commissioner for Corporate Affairs, so notice is given that applications and orders have been made. I suggest that my amendment is reasonable and is appropriate with regard to the sort of power that is being given to a police officer or an officer of the Department of the Corporate Affairs Commission in applying to a judicial officer for an order in respect of banking records. It will be used in the context of detecting fraud. While it is reasonable to give notice to the person who is affected within six months or such further time as the court may order, unless the person is the subject of a criminal charge, I believe my amendment should be supported in preference to the Leader's amendment.

The Hon. C. J. SUMNER: In response to the Attorney-General, I believe that he has over-dramatised the effect of my amendment. The Committee must realise that the formulation in this Bill is not reasonable suspicion but the much broader formulation of the interests of the administration of justice, so that all a police officer or a Corporate Affairs Commission officer has to establish is that, in the interests of the administration of justice, bank records should be inspected. There does not have to be a suspicion that an offence has been committed: it may well be that the person whose records are being inspected has not committed an offence and is not under any suspicion of having committed an offence. The proposition has been put to me that where—

The Hon. R. C. DeGaris: Wouldn't you think that in the course of justice there must be some suspicion?

The Hon. K. T. Griffin: There must be a basis.

The Hon. C. J. SUMNER: There does not have to be any suspicion against a particular individual, and it may be that the inspection of an individual's records has no relationship to his being charged. It may relate to someone else.

The Hon. K. T. Griffin: He may be a vehicle.

The Hon. C. J. SUMNER: He may unwittingly have been a vehicle or he may have been completely innocent. This Bill provides that a person's personal records can be inspected; in other words, he need not be suspected of having committed an offence and he might not be in line for prosecution, but his records can be inspected. If a person is innocent of a crime, on what basis are we authorising the inspection of his records?

We are authorising them because we appreciate that there is a different situation that arises in relation to the prosecution of this sort of offence or offences involving money shifting around in corporate crime. Having made that concession, I put the point of view to the Committee that, if someone has his privacy invaded by this measure, should there not be a notification to the person concerned? It may be that some formulation such as that contained in the Attorney's amendment, which would give the court some power to suspend the transmission of the order to the person concerned in certain circumstances, is not unreasonable. However, the part of the Attorney-General's amendment that is a bit farcical is that part which states that the notice of inspection must be sent within six months.

When this Bill was last before the House he was putting the proposition that it ought to be within 12 months. I believe that the Attorney-General has done a little bit of horse trading with the member for Mallee and they have finally arrived at a period of six months. A period of six months or 12 months seems to be neither here nor there; in terms of protection of a person whose records are being inspected it amounts to nothing. It might be that a more preferable amendment would be for the notice to be given immediately, except in circumstances where the court felt that that would interfere with the investigations or in the sort of circumstances set out in the Attorney-General's amendment, namely, if the evidence is required for the commission of an offence.

So, I am not particularly wedded to the formulation that I have outlined, but I would emphasise to the Committee that, in a letter to the Council for Civil Liberties, written to R. R. Millhouse, Esq, Q.C., M.P., c/o Bar Chambers, who is the member for Mitcham in another place, it is pointed out that this Bill amounts to a gross invasion of privacy. That organisation found it hard to find any justification for the clear infringement of a citizen's civil liberties; the letter states that there is a minimal safeguard for the usage of the proposed power, and further, it states:

> It is our view that such investigation should never be launched against people when there is no good cause to believe that they may be implicated in some criminal act.

Clearly, there are concerns about this amending Bill. I believe that my amendment proposes a reasonable compromise between the rights of the authorities to inspect records and the rights of individuals, not necessarily suspected individuals, to know whether or not their privacy has been invaded in some way.

Accordingly, I believe that the amendment that I have moved should be supported, at least to get to the conference stage. I do not find the Attorney-General's suggestion entirely satisfactory. I am prepared to concede that some amendment

to my proposal could be contemplated, but I believe that that would be better done at the conference stage. I ask the Committee to support my amendment, and not that of the Attorney-General.

The Hon. K. T. GRIFFIN: I still cannot see that the amendment moved by the Hon. Mr Sumner is reasonable. He and his colleagues have been making constant claims that the Government should do something to tighten up in the area of corporate fraud. However ill-founded the basis of that claim may be, here is an opportunity for the honourable member to support the proposition that I am putting up by way of amendment. The amendment he is proposing would be a recipe for disaster and would alert those people who may be under suspicion that there is an investigation going on into matters in which they are or have been involved. If this individual, who might be the subject of an order, was merely a conduit, and if that person knew that he or she had had his or her banking records made the subject of an order, then it does not take much imagination to recognise that an alert would go out quickly to others who might be ultimate objects of investigation.

The CHAIRMAN: Before moving the Hon. Mr Sumner's amendment, I ask whether he wishes to delete 'or special magistrate' appearing three times in his amendment, as those words previously were struck out.

The Hon. C. J. SUMNER: That is certainly my intention. I commend you, Mr Chairman, for having picked that up.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, 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 (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. K. T. GRIFFIN: I move:

Page 3, after line 21 insert subsections as follows:

(2a) Subject to subsection (2b), where an order is made under subsection (1a), the applicant shall cause a copy of the order to be served personally or by post on the person subject to investigation within six months of the date of the order or such further period as may be allowed by a judge.

Penalty: One thousand dollars.

(2b) Service of a copy of an order is not required under subsection (2a)—

(a) if evidence of the commission of an offence was obtained in pursuance of the order and, within the period allowed under subsection (2a) for service of a copy of the order, the person subject to investigation is charged with that offence; or

(b) if the whereabouts of the person on whom the copy is to be served is unknown and not ascertainable by reasonably inquiry.

(2c) A reference in subsection (2a) or (2b) to the person subject to investigation shall be construed as a reference to the person to whose financial transactions the banking records subject to inspection in pursuance of an order under subsection (1a) relate.

(2d) Copies of applications made under subsection (1a) shall be retained for a period of six years—

(a) in the case of applications made by members of the Police Force—by the Commissioner of Police; and

(b) in the case of applications made by officers of the Corporate Affairs Commission—by the Corporate Affairs Commission.

(2e) The Commissioner of Police shall in each calendar year report to the Minister responsible for the Police Force the number of applications made under subsection (1a) by members of the Police Force during the previous calendar year, and the Corporate Affairs Commission shall in each calendar year report to the Minister to whom it is responsible the number of applications made under subsection (1a) by officers of the Commission during the previous calendar year.

(2f) A report under subsection (2e) may be incorporated in any other annual report that the Commissioner of Police or the Corporate Affairs Commission (as the case may be) is required by or under statute to make to the Minister to whom the report under that subsection is to be submitted.

I have already spoken on the comparative merits of the amendment which has just been dealt with.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 3, line 22—Leave out 'member of the police force' and insert 'person'.

This is consequential on my previous amendment, including reference to the Corporate Affairs Commission.

The Hon. C. J. SUMNER: This was an amendment that I also placed on file because we thought that there may be people other than a police officer who would come by information as a result of inspection of the bank record. We felt that prohibition on the divulging of information should not only apply to police officers but also to any person who came by that material. That was the reason for my amendment, which I am pleased to see has been taken up by the Attorney-General.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

New clause 9a—'Repeal of section 52 of principal Act.'

The Hon. K. T. GRIFFIN: I move:

Page 3—After clause 9 insert new clause as follows:

9a. Section 52 of the principal Act is repealed.

This amendment, repeals section 52 of the principal Act, the section to which I referred earlier in identifying the definition of judge. This provision now becomes superfluous in the context of the earlier amendments.

New clause inserted.

Clause 10—'Penalty for non-compliance with order.'

The Hon. K. T. GRIFFIN: I move:

Page 4—

Line 2—Leave out 'subsection' and insert 'subsections'.

Lines 4 and 5—Leave out '(in addition to any liability that he might incur for contempt of court)'.

After line 7—insert subsection as follows:

(3) A person shall not be liable, in respect of the same act or default, to be proceeded against both for a contempt of court and an offence under subsection (2).

All of these amendments are related and are directed to supression orders. They ensure that anyone who disobeys an order is not liable to two penalties, that is, a penalty for contempt and a penalty for a statutory offence.

The Hon. C. J. SUMNER: I am confused at the Attorney's moving this amendment because, when I raised this specific point in the second reading debate, he assured me that the matter was resolved quite satisfactorily by reference to the Acts Interpretation Act. He said that no person would be subject to double jeopardy, that is, subject to proceedings for contempt as well as proceedings on complaint for having published evidence contrary to a suppression order. The Attorney said that there was no suggestion of double jeopardy, although that was the point I put to him during the second reading debate. Will the Attorney explain more fully why he now sees the necessity for this amendment? I commend him for it, although I am somewhat surprised because previously he did not think it was necessary, since he said the matter was covered by the Acts Interpretation Act.

The Hon. K. T. GRIFFIN: I did say at the second reading stage that the Government had no intention of putting a person in double jeopardy. I referred to section 50 of the Acts Interpretation Act. I said that the Leader of the Opposition, having raised it, I would obtain further information on the matter, and if the position was not clear—I said I believed it was—in Committee I would consider an amendment to ensure that a party is not put in a position of double jeopardy. Consideration has been given to the

point raised by the Leader of the Opposition, and quite properly so; I appreciate that he raised the point. The matter is not as clear as I believed it to be, and that is why this amendment is now being moved to ensure that the position which I expressed during the second reading stage is maintained in fact.

Amendments carried; clause as amended passed.

Clause 11 and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 7—'Power to order inspections of banking records, etc'—reconsidered.

The Hon. K. T. GRIFFIN: During the Committee debate on clause 7, there was some discussion on whether or not the present Act provided that, in respect of bankers' records, an order could be made by judges and magistrates. I did not look carefully at section 52 of the principal Act and, for that reason, I presumed that, where reference was made in section 49 to a judge, it was a judge of the Supreme Court or the District Court.

However, I was quickly helped to realise that section 52 defines 'judge' to include the judges of the Supreme Court, the District Court, the judge in insolvency, as well as special magistrates. There was some misunderstanding at that stage regarding the present position. I considered that it was appropriate to have the Bill recommitted with respect to this clause so that the Committee could deal only with that question. I therefore move:

Page 3—

After line 7, to insert 'or *(c)* a special magistrate'.

Line 13, after 'judge' to insert 'or special magistrate'.

After line 17, to insert:

(a) by inserting after the word 'judge' in subsection (2) the passage 'or special magistrate';

In new subsection (2a) after 'judge' insert 'or special magistrate'.

The principle is that I am moving to reinsert in the Bill the words 'or special magistrate', generally speaking, to provide that the situation with respect to orders being made for inspection of banking records will continue to be made by a judge of the Supreme Court, a judge of the District Court, or a special magistrate. That really is the position under the present Act. The Leader shakes his head, and he is technically correct, because a juge of insolvency is also a judge who is authorised under the present section to make an order. I believe that it is appropriate for a special magistrate to make these orders.

The special Magistrate has been entrusted with this power in the past and I believe that there is no harm at all in continuing to give this responsibility to a special magistrate as well as to a judge of the Supreme Court and a judge of the District Court. I hope that, although there appeared to be some confusion at the time we first discussed this matter, my clear reference now to the present position may persuade members opposite that it is appropriate to support the reinsertion of the reference to a special magistrate.

The Hon. K. L. MILNE: I am sorry that I cannot agree to this. It is a matter of principle that I have discussed with my Leader in another place. This takes away a freedom. I do not think that there is any need for this Act necessarily to be consistent with the Evidence Act. This is taking away a freedom. It is placing an enormous responsibility on the banks and I do not think we should do that lightly. There has been a complaint already that there are not sufficient safeguards in these amendments made by this Bill. I think one of the safeguards is that we should go no lower than the responsibility of a judge.

The Attorney-General has said that it may be inconvenient to do this, but I cannot accept that. I do not think one would have something that had to be done in a few minutes or a few hours. Surely one of the judges in chambers could deal with the matter properly. I think that it would be in everyone's interest to be able to say at a subsequent time that the order had been signed by a judge of a particular court. I oppose the recommittal.

The Hon. C. J. SUMNER: I am in a state of total confusion.

The Hon. M. B. Cameron: Is that unusual?

The Hon. C. J. SUMNER: It is for me, yes. I am at a loss to understand what the recommittal of this clause is all about.

We decided that a special magistrate was not an appropriate person to hear applications of this kind. We made that final decision, the Bill was amended and the clause was recommitted by the Attorney-General. We find on recommittal that the Hon. Lance Milne is still of the same view as he was before. That is an unusual characteristic. However, we are still of the same view, and on that basis we seem to be going around in some kind of circle. The Attorney-General is not entirely correct when he says that the situation envisaged by the Bill is one which pertains at present in relation to bankers' books under Part V of the Act.

The Hon. K. T. Griffin: I referred to the position with judicial officers as being similar.

The Hon. C. J. SUMNER: The point I am making is that I think the application is related to bankers' books in Part V, and the orders that could be made deal with the situation where there are already proceedings pending.

The Hon. K. T. Griffin: That is right. This amendment brings it back before the time proceedings were issued. I agree that there is a difference.

The Hon. C. J. SUMNER: If proceedings are before a special magistrate at present (before we pass this legislation), in those circumstances the magistrate can order the inspection of bankers' books, and that is quite appropriate. In these amendments we are dealing with a completely separate proceeding. In that situation I believe I have to continue with the view that I expressed before, namely, that that order ought to be made by a judge and not by a special magistrate. I do not know why the clause has been recommitted. The Hon. Lance Milne still has the same view, and for some curious reason we are still debating the clause. My position has not changed, and I intend to oppose the Attorney-General's amendments.

The Committee divided on the amendments:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

Majority of 1 for the Noes.

Amendments thus negatived; clause passed.

Bill reported without further amendment. Committee's reports adopted.

STATUTORY AUTHORITIES REVIEW BILL

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

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:
That this Bill be now read a second time.
In December a committee appointed by the Government to make recommendations on the subject of judicial salaries recommended that judges should in future receive an allowance in addition to salary. This recommendation cannot be implemented without statutory amendment because the relevant provisions presently refer only to 'salaries'. The purpose of the present Bill is, therefore, to introduce a wider concept of judicial remuneration which will allow for the determination of allowances (as well as salary) for judicial service. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part I is formal. Part II provides that the Governor may determine salary and allowances for the Chief Justice, the judges and the Masters of the Supreme Court. Part III provides that the Governor may determine salary and allowances for the President and Deputies President of the Industrial Court.

Part IV provides that the Governor may determine salary and allowances for the Senior Judge and the the judges of the District Court. Part V makes a consequential amendment to the Licensing Act under which the remuneration of the Licensing Court Judge is equated to that of a District Court judge. A more flexible provision providing for appointment and remuneration of an acting or temporary judge of the Licensing Court is also included.

The Hon. C. J. SUMNER secured the adjournment of the debate.

ADJOURNMENT

At 11.15 p.m. the Council adjourned until Thursday 4 March at 2.15 p.m.