LEGISLATIVE COUNCIL

Thursday 19 August 1982

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Commercial Bank of Australia Limited (Merger),

Commercial Banking Company of Sydney Ltd (Merger).

MINISTERIAL STATEMENT: REMARKS OF MEMBER FOR PLAYFORD

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a brief statement in respect of matters raised by the member for Playford in another place.

Leave granted.

The Hon. K. T. GRIFFIN: In the early hours of this morning Mr McRae, in another place, made the following statement:

> So far as the South Australian police are concerned, there is only one connection with organised crime in South Australia and that is in the form of Abe Saffron. We were wisely advised by Professor Alfred McCoy, who was called at my request and who has world-wide knowledge on organised crime, that the best way to deal with people like that was to indelibly print their names on the minds of the people, and it should be well known that Abraham Saffron has been associated with organised crime in South Australia for many years and that has existed in the hotel industry and the nightclub industry. It should further be known that Saffron was involved with a man called Cerutto, who is well-known to many people in this House, at least by reputation, in the late 1970s, and the drug racket that was organised between the two of them was considerable and damaging. Records of all that information are held in the Attorney-General's Department but were only uncovered by your committee, Sir, because one of the witnesses, Professor McCoy, decided to produce it to us. In other words, Sir, your own Government, having access to that information, did not give it to the committee.

I am not aware of the 'records of all that information' to which Mr McRae refers. This morning, I asked my departmental officers to search the records of the department to ascertain whether there could be any docket which may have the 'records' referred to. They have not been able to find anything which could in any way be described as 'records of all that information'. My officers will continue to search, but all the work done so far suggests that the 'records' do not exist. To assist in that search it would be helpful to have more detail about what Mr McRae was referring to.

The thought did come to mind that Mr McRae may have been referring to information which Mr Duncan may have received when he was Attorney-General and on which he based Ministerial statements about Mr Saffron in the House of Assembly on 7 and 15 March 1978. If he was, then no evidence has been found of any departmental docket on which those statements appear. At the moment, one can only presume that Mr Duncan may have the 'records of all that information' to which Mr McRae refers on files which are not departmental files. I will have my officers continue their search which is, however, as I have said, difficult if more specific details of the alleged records are not made available.

QUESTIONS

PHONEY SUMMONSES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about phoney summonses.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. C. J. SUMNER: Is the Attorney-General aware that I have received correspondence from some Mount Gambier solicitors which indicates that the Mount Gambier Hospital has been sending out phoney summonses to its debtors? The summonses appear to be official, but they have not been properly issued by the Mount Gambier Local Court or any other court. Is the Attorney-General aware that these summons forms are the same as those used by the local court, but they are not stamped with the court seal or signed and issued by the court in any way?

Is the Attorney-General aware that the Mount Gambier Hospital has been posting these summonses to its debtors as a demand for payment, thus avoiding having to pay the appropriate court costs? Is the Attorney-General aware that the Mount Gambier Local Court, which comes within his departmental administration, has apparently co-operated in this venture, because people who go to the court to pay money in response to one of these improperly issued and phoney summonses are told to go to the hospital and pay the debt?

The Hon. N. K. FOSTER: Mr President, is this regarded, under Standing Orders, as a question? I do not wish to reflect on the Leader's ability to frame a question without a fortnight's notice, but I think he has transgressed.

The PRESIDENT: If the honourable member is taking a point of order, I think it is probably in order. I think the honourable Leader is stretching his question to encompass an explanation.

The Hon. C. J. SUMNER: It is clearly not out of order. I have asked a series of questions. On the first day of this session the Hon. Mr Foster asked 24 individual questions which you allowed, Mr President. On my count I have asked four only.

The PRESIDENT: I am not stopping the Leader from asking questions. I was asked whether he was making an explanation rather than asking a question, and I said I thought he was.

The Hon. C. J. SUMNER: It is part of the question. I have asked whether the Attorney-General is aware—

The Hon. N. K. FOSTER: Mr President, I rise on a point of order and seek your ruling. It is very easy for the dumbest of politicians to preface a long-winded statement by saying, 'Is the Minister or the Attorney-General aware?' That allows the member asking the question to ramble on for a longer time than may have been the case had he been successful in obtaining leave to make an explanation.

The PRESIDENT: The amount of time would be equal, at least. I do not know how much would be saved, because it is difficult to ascertain that from the explanation given when the question is to be asked.

The Hon. C. J. SUMNER: I merely point out that the Hon. Mr Foster, on the first day of the session, asked a question that had about 20 parts.

The PRESIDENT: The honourable member should ask his question.

The Hon. C. J. SUMNER: I will ask the question if the honourable member will allow me to proceed on the same basis that he proceeded when asking 21 questions on the first day. Is the Attorney-General aware of the Unauthorised Documents Act, 1916, and that this pretended use of the

process of the court may be contrary to that Act? Will the Attorney carry out an investigation into that apparently improper practice and censure those responsible?

The Hon. K. T. GRIFFIN: I was certainly aware of the practice, and I have already had it investigated. It is correct that an officer of the Mount Gambier Hospital was using local court summons forms without the seal of the court being imprinted on them to recover moneys due to the hospital. The investigation disclosed that that occurred on 14 occasions and was not done with any malice or intention to breach the Unauthorised Documents Act. It is correct that that Act prohibits the use of summons forms, other than in the context of their being issued under the authority of a court. What is not so clear is whether that Act binds the Crown. The Mount Gambier Hospital in this context is an agency of the Crown, so that even if I were to authorise a prosecution it may not succeed because of the real doubt whether the Act binds the Crown. I have given directions that it shall be regarded as binding the Crown, and I have asked the Minister of Health to ensure that appropriate censure is made of the action of that officer at the Mount Gambier Hospital to ensure that it does not happen again.

POTATO BOARD

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Agriculture, a question about the Potato Board.

Leave granted.

The Hon. B. A. CHATTERTON: I have raised before the problem of over-payments by the Potato Board before a poll was held on the board's future. I have also referred to the concern of many growers that the board paid an amount over and above the price that should have been paid for potatoes; that might influence the decision of a number of growers on whether to support the referendum on the board's continued existence. I have received a reply from the Minister of Agriculture which could be described only as an interim reply, because he said that the board had explained the circumstances surrounding the over-payment, but he did not say what those circumstances were or what was the board's explanation, which was part of the original question that I asked. He then went on to say that those circumstances were subject to further investigation. I know that those circumstances are being investigated by the Ombudsman.

Can the Minister say what were the circumstances, or what was the explanation provided by the Potato Board, which is what I asked in my original question? Has the Ombudsman investigated those circumstances further, has he prepared a report, and, if he has, can that report be tabled in this Chamber?

The Hon. C. M. HILL: I will see to it that those questions are forwarded to the Minister of Agriculture. If he has any further report to bring forward which will be of benefit to the honourable member I will most certainly ensure that it is brought down in this Chamber. If there are any matters that the Ombudsman is attending to concerning this matter, and if he provides a report, I will speak to the Minister of Agriculture to ascertain whether he is prepared to make such a report public by its being brought into this Chamber.

GOVERNMENT CARS

The Hon. N. K. FOSTER: Has the Attorney-General an answer to the question I asked on 16 June about Government cars?

The Hon. K. T. GRIFFIN: As at 30 June 1982 the following vehicles were registered by the Government:

Motor cars	3 469
Station waggons	1 740
Utilities	1 333
Panel vans	688
Total	7 230

No vehicles are listed as being used on a restricted hours of day basis, nor are any vehicles provided to senior staff on a basis whereby it could be said that they were almost their personal property. The Government's policy concerning the personal allocation and use of Government vehicles is that vehicles are only to be allocated to permanent heads and officers classified at EO-5 and above and only for official use and home to office travel. The only circumstances under which other Government officers may take a vehicle home are:

(i) when official business will be performed out of hours on the evening concerned; (ii) when the last 'port of call' at the end of the day requires the use of a Government motor vehicle and it is more economical to drive directly home from that 'port of call'; (iii) when the first 'port of call' at the beginning of the day requires the use of a Government motor vehicle and it is more economical to drive directly from home to that 'port of call'; and, (iv) where, in exceptionally special circumstances, the permanent head personally authorises the use of a Government motor vehicle.

All departments have been advised that under no circumstances are Government motor vehicles to be driven by public servants for private use. When vehicles are taken to country areas, it is only in exceptional circumstances that they may be driven out of business hours. Information in respect of motor vehicles by number of cylinders, average horse-power, the number of four-wheel drive units in operation, or the designated areas of operation, is not available as those details are not recorded in any one department, including the Motor Vehicles Department. The Director, Country Fire Services, is aware of the Government's policy concerning the use of Government motor vehicles.

The Hon. N. K. FOSTER: Does that answer apply to statutory authorities?

The Hon. K. T. GRIFFIN: I understood that it related to departments of the Public Service. I will have the matter checked to ensure that what I have just indicated to the honourable member is, in fact, the position.

LANGUAGE ADVISERS

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before directing a question to the Minister of Local Government, representing the Minister of Education, on language advisers.

Leave granted.

The Hon. BARBARA WIESE: Recently I have been approached by a constituent who is concerned about the proposal currently under consideration by the Education Department to amalgamate the roles of three part-time language advisers who work in the Centre for Asian Studies at the University of Adelaide. At the moment, I understand that the officers are employed by the Education Department to advise the university, on a part-time basis, on Chinese, Vietnamese and Japanese language programmes. The intention apparently is that one officer will assume all of these responsibilities on a full-time basis. Many people have been critical of this proposal, because they believe that it is not

possible for one person to undertake this task. The three languages concerned have nothing in common, and those people claim that there is no-one with the necessary knowledge to advise the university properly on all three languages. Further, I believe that this decision is being taken without any consultation with the people currently undertaking the responsibilities, although I have not actually checked on that to confirm whether or not that is so. Presumably, these are the people who would be best able to judge whether or not their work can be amalgamated and carried out by a single individual.

This matter concerns me because, if what I have been told is correct, then the quality of language courses being provided at the university through the Centre for Asian Studies will be seriously affected, and that is obviously not desirable at a time when the demand for Chinese, Vietnamese and Japanese language skills is growing to meet the domestic needs of our multicultural society and our commercial and trading needs overseas. Will the Minister say whether it is true that the department intends to appoint a full-time language adviser to deal with these three languages at the Centre for Asian Studies at the University of Adelaide? If it is, will the Minister have the situation reassessed, in consultation with the officers currently performing the tasks and in light of the information provided, to ensure that language courses at the centre will not be down-graded in the manner proposed?

The Hon. C. M. HILL: I shall refer that matter to the Minister of Education and bring back a reply for the honourable member.

PENSIONER PROSECUTIONS

The Hon. C. W. CREEDON: Has the Attorney-General a reply to a question I asked on 2 June concerning pensioner prosecutions?

The Hon. K. T. GRIFFIN: The Queensland Police Commission's policy is aimed principally at ameliorating the trauma which an arrest and subsequent court appearance can cause for first offenders in their senior years, who statistics have shown are unlikely to reoffend. The principal charge in most instances is shoplifting. The guidelines which the Commissioner applies are that the offender must: be aged 65 or older; have admitted the offence; have no prior criminal record for dishonesty; have returned the property stolen to its owner, or have paid for it.

If all these criteria are satisfied, the Commissioner will generally deliver a caution rather than proceed with a prosecution. In doing so, he will always take into account (though not necessarily follow) the complainant's views on whether the prosecution is necessary.

There appears to be considerable room for flexibility in the Queensland guidelines and the system is of particular interest to the South Australian Police Department—so much so that the Commissioner of Police has written to the Queensland Commissioner seeking further details to enable a more detailed assessment to be made. At the present time the South Australian Police Department does not have a policy with respect to minor offenders above a certain age that always should in those cases be automatically dropped. Each case is, however, adjudicated on its merits and, where age appears to be a consideration, discretion is exercised in relation to prosecution of people aged 70 years and over.

ADELAIDE CHILDRENS HOSPITAL

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Local Government, representing the Minister of Health, regarding asbestos at the Adelaide Childrens Hospital.

Leave granted.

The Hon. FRANK BLEVINS: A constituent has given me some information that the air-conditioning ducts at the Adelaide Childrens Hospital are lined with asbestos. The hospital became aware of this, according to my informant, late in the 1970s, and subsequently applied to the Government for financial assistance to enable it to remove the asbestos, but to date that assistance has been refused. This information has been given to me, and I think it is my obligation to check it out with the Minister of Health; that is what I am doing. Will the Minister say, first, whether the ducting used to air-condition the Adelaide Childrens Hospital is lined with asbestos and, if so, when did the hospital and the Government become aware that asbestos was used? Secondly, has the Adelaide Childrens Hospital asked the Government for financial assistance to enable it to remove the asbestos and, if so, when, and what has been the Government's response?

The Hon. C. M. HILL: I shall obtain a report on that matter from the Minister of Health and bring back the replies to the honourable member's questions as soon as possible.

CARCINOGENS

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Minister of Local Government, representing the Minister of Health, on carcinogens.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No. I will not discriminate. I have already stopped two people on the front bench. I am sure the Hon. Miss Levy agrees.

The PRESIDENT: Leave is not granted.

The Hon. ANNE LEVY: Is the Minister aware that, two years ago to the day, I asked a question regarding a list of 170 carcinogenic chemicals that has been issued by the Occupational Safety and Health Administration Agency in the United States of America? Does the Minister recall that, on 17 September 1980, she replied to me that attempts were being made to obtain a copy of the list and that, once it was available, interested members would be provided with a copy? Will the Minister say now whether this list has been obtained as yet, since it is two years to the day since I first requested such a list? If the list has been obtained, may I please be provided with a copy? If it has not been obtained, can the Minister explain why it takes more than two years for a letter to go from Adelaide to Washington and back again?

The Hon. C. M. HILL: I do not think the Minister of Health would recall the Hon. Miss Levy's asking a question two years ago to the day.

The Hon. B. A. Chatterton: Has she got a bad memory?

The Hon. C. M. HILL: She is in another House. I can recall the Hon. Miss Levy's asking a question of that nature. Nevertheless, I am sure the Minister of Health does recall that the matter was raised. I think that might have been a better way of framing the question, if I might say so. Despite that, I shall be very pleased to refer this matter to the Minister of Health, and I am sure that she will be very pleased to give me a reply which I shall be very pleased to bring back to the honourable member.

COURT FACILITIES

The Hon. C. J. SUMNER: Has the Attorney-General a reply to a question I asked on 16 June regarding court facilities?

The Hon. K. T. GRIFFIN: In regard to the closure of suburban courts, court facilities are being upgraded on an ongoing basis in accordance with departmental priorities and available funds. Closure of the Norwood court, to which the honourable member refers, was initiated by the previous Government. During the past financial year courts of summary jurisdiction at Prospect, Unley, Henley Beach and Darlington were closed. These courts were primarily used for hearing minor traffic matters, and following the introduction of the traffic infringement notice scheme their continued use could not be justified. A special magistrate had not sat at Prospect or Henley Beach for several years and presided only one day per month at Unley. A magistrate will continue to sit at Darlington two days per week as the court of summary jurisdiction, Glenelg, sitting at Darlington.

In relation to night courts, such sittings in Whyalla were terminated because of lack of demand. The Clerk of Court had difficulty in putting together a court list sufficient to convene the court. It would appear that in the Whyalla area many people are shift workers and can therefore attend, and appear to prefer to attend, during the daylight hours. Magistrates have never sat in night courts, which were presided over by justices of the peace. Justices of the peace were, and continue to be, prepared to sit if there is a proven demand. I am advised that a similar experiment in New South Wales was discontinued for precisely the same reasons as has been our experience in Whyalla.

The upgrading of the Gumeracha Police Station and Courthouse initiated from a request from the Police Department for the construction of a new police station and residence at Gumeracha. As part of the project the existing police station/courthouse was to be demolished. Before the project could proceed, however, the buildings were classified by the National Trust. Consequently, in conjunction with the Police Department and the Law Department the proposal was revised to allow for the renovation of the existing building to house the police station, court and ancillary accommodation.

The upgrading of the police station/courthouse was undertaken in order to restore and preserve a building of historical significance, at the same time providing the police and court facilities required by the respective departments. Therefore, the priority of the Gumeracha court in relation to other court needs was not a consideration in carrying out the work. The expenditure on the project therefore included not only the upgrading of the court, but the provision of police accommodation. In addition, the renovation of a classified building placed a cost premium on the work. The courthouse is used for the hearing of unsatisfied judgment summonses once every two months (12 matters per hearing) and once per month for minor traffic offences. A special magistrate does not attend at this court.

The Hon. C. J. Sumner: $200 000 for that?

The Hon. K. T. GRIFFIN: I indicated that it is a police station and courthouse. The Leader was not listening to the answer.

The Hon. C. J. Sumner: Yes I was.

The Hon. K. T. GRIFFIN: I suggest that the Leader read it again and he might become familiar with it. In relation to Port Adelaide, the existing court complex is inadequate and imposes restrictions on facilities which can be made available for the profession and for the public. For this reason a proposal to build a new complete police/courts complex at Port Adelaide has been in existence since 1979. The Commissioner of Police, however, places a higher priority on a new complex for Holden Hill, which is to be undertaken in this and the next financial year. Based on the current indicated priorities of the Commissioner, the proposed complex for Port Adelaide will rank after the completion of the Holden Hill complex. The existing buildings are not able to be satisfactorily upgraded as suggested by the honourable member, primarily due to lack of space, and the age and condition of the buildings. On current indications, the complex at Port Adelaide will not be available for some five to six years.

REGENCY HOUSE

The Hon. J. R. CORNWALL: My question is directed to the Minister of Local Government, representing the Minister of Health. Does the Minister recall specifically responding to a letter addressed to Dr Bill McCoy of the South Australian Health Commission on 10 November 1981? Does the Minister recall that that letter was from a constituent to Dr McCoy and said, among other things:

> It is with some concern that I write to you, hoping you can alay my feelings of alarm. Some weeks ago I heard that the 'Regency House Programme' of Enfield Hospital may be closed or relocated due to the present Governments rationalisation of its hospital departments. After searching all of the health departments available, I learnt of the existence of Regency House under the guidance of Barry Carhart and Wendy Grainger.
>
> During the three months that my daughter has been a patient at Enfield I have noticed a complete change in her behaviour for the better. The programme has at last given my wife and myself a secure future for my daughter to which we can look forward. If the programme is closed or relocated to Hillcrest Hospital I can see a great deal of harm being done.

Does the Minister recall that when she responded to that letter on 1 December 1981, and it was the Minister herself who responded and not Dr McCoy, she said among other things:

> There is no suggestion that the Regency House Programme will be closed. Relocation of it is presently under discussion at the hospital, and I am sure you will be pleased to know that a recommendation has been made for its transfer to Palm Lodge in College Park. I point out that relocation of the programme to Hillcrest Hospital has not been considered.

The Minister wrote to my constituent in those terms on 1 December 1981.

The Hon. N. K. Foster: Is that part of the question to the Minister?

The Hon. J. R. CORNWALL: Within three months a decision had been taken to close down Enfield—

The Hon. N. K. FOSTER: Mr President, I rise on a point of order.

The Hon. C. J. Sumner: Sit down.

The Hon. N. K. FOSTER: You get nicked. The way you treat people in this Chamber—

The Hon. C. J. Sumner: Mr President, that's unparliamentary.

The Hon. N. K. FOSTER: The Hon. Mr Sumner is no Parliamentarian. Mr President, I was drawn out of this Chamber to answer a telephone call. I am asking whether the Hon. Dr Cornwall is asking a question, whether he sought leave or just what he is doing. The phraseology and the manner in which the honourable member is asking his question leaves a lot to be desired in relation to Standing Orders.

The PRESIDENT: The honourable member did not seek leave. I presume that he is explaining rather than asking a question.

The Hon. J. R. CORNWALL: Not at all, Mr President. I am asking a series of questions, primarily to prompt the Minister's memory. Before I was rudely and inappropriately interrupted, I was asking whether the Minister recalled that

she said specifically in reply to this letter on 1 December 1981:

I point out that relocation of the programme to Hillcrest Hospital has not been considered.

Of course it was considered and it was relocated. Is the Minister aware that on 29 June 1982 this very distraught constituent, who had been deceived by the Minister of Health's letter, said in a letter:

It is with great disappointment and shattered faith that I find myself writing to you. I find it amazing how easy people forget.

The PRESIDENT: Order! I think the honourable member should not exploit the position to the point of being quite ridiculous. Either he wants to ask a question or a series of questions—

The Hon. C. J. Sumner: It's a series of questions.

The PRESIDENT: It is not a series of questions and no honourable member of this Council believes that it is.

The Hon. C. J. Sumner: I do.

The PRESIDENT: You do not.

The Hon. J. R. CORNWALL: Quite simply, why did the Minister of Health cruelly mislead my constituent in her letter of 1 December 1981?

The Hon. C. M. HILL: If the honourable member will give me the name of the constituent involved, the date of the supposed letter and the date of the supposed correspondence with Dr McCoy, I shall be quite happy to refer the matter to the Minister of Health for her consideration.

ARBITRATION

The Hon. FRANK BLEVINS: Has the Attorney-General a reply to a question I asked on 22 July about arbitration?

The Hon. K. T. GRIFFIN: Joint sittings of State and Federal commissions were discussed at the recent Premiers Conference and agreement in principle was reached on implementation. The Ministers of Industrial Relations have been discussing this matter for several years. The South Australian Government supports the concept of joint sittings and proposes to introduce complementary legislation in due course.

HANSARD

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about *Hansard.*

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. ANNE LEVY: Does the Attorney-General recall that roughly 12 months ago I asked a question about the possibility of *Hansard* being posted flat rather than rolled up, because when it is rolled it is difficult to unwrap and many people find it very annoying.

An honourable member: It burns well, though.

The Hon. ANNE LEVY: That attitude is quite wrong. Does the Minister recall that on 24 September last year he indicated to me that the matter was 'being investigated'. Is the investigation now complete? In future, can people expect to receive *Hansard* posted flat rather than rolled in the manner which so many people find so annoying?

The Hon. K. T. GRIFFIN: Yes, I remember the question. I will make some inquiries of the Deputy Premier about the status of that investigation and what results may follow from it if it has been completed. I will bring down a reply.

ETHNIC AFFAIRS

The Hon. C. J. SUMNER: Is the Minister Assisting the Premier in Ethnic Affairs aware, first, that during the term of the Labor Government booklets were prepared in 15 languages to explain the rules of the road and to give other instructions to intending applicants for drivers licences? Secondly, has the printing of those booklets been stopped by the present Government? Thirdly, if it is not the intention to stop the printing of those booklets, why is it that a number of them are currently out of print?

The Hon. C. M. HILL: I am not aware that the previous Government moved in this matter at all.

The Hon. C. J. Sumner: You ought to be.

The Hon. C. M. HILL: Why?

The Hon. C. J. Sumner: It was announced often enough, and you were shadow Minister.

The Hon. C. M. HILL: It was very prudent of the then Opposition to take little notice of announcements of the previous Government. I was not aware that any particular booklet was authorised to be printed by the then Government.

The Hon. C. J. Sumner: It was not authorised—it was printed.

The Hon. C. M. HILL: I was not aware any booklet was printed on the authorisation of the then Government. However, I will look at the matter to see whether there are means by which we can assist ethnic people with any difficulties they have in understanding the rules of the road and other traffic matters, a matter about which the present Government is most interested. I will bring down a reply for the honourable member.

CHEQUES

The Hon. N. K. FOSTER: I ask the Attorney-General, representing the Treasurer, how many wage and salary earners employed by the South Australian Government are paid by cheque. To what extent, if any, will the wage and salary employees be affected by the Federal Government Budget charges introduced last Tuesday? Will the Attorney-General request the Treasurer to have an examination made of the appropriate Bill in respect to such charges? Further, should the Budget impose a charge on employees, will the State Government bear such costs? Finally, should the answer to the previous question be 'Yes', what steps are open to the State Government to recover costs or seek exemption from that Budget provision?

The Hon. K. T. GRIFFIN: I will have inquiries made and bring down a reply.

ACCESS FACILITIES

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, as Leader of the Government in this Council, a question about access facilities.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. ANNE LEVY: Can the Attorney-General say whether a report has yet resulted from discussions with the Domestic Violence Committee relating to the provision of facilities where access of children from custodial to non-custodial parents can be implemented? Has he received a report on this matter, and have any decisions been taken to provide such access facilities where children can be handed from the custodial to non-custodial parent and back again,

thereby avoiding violent situations which, as I understand from the report of the women's adviser's office, have posed numerous problems in the past?

The Hon. K. T. GRIFFIN: I am not aware of any report being available. I will take up the matter with my officers and with the women's adviser and bring down a report.

BUDGET COSTS

The Hon. N. K. FOSTER: Can the Attorney-General, representing the Treasurer, say whether the State Government has costed the Federal Budget effects in respect of increased fuel charges in relation to its services, particularly transport, and whether the increased charges contained within the Federal Budget in regard to fuel costs affect general transport or public transport services in this State?

The Hon. K. T. GRIFFIN: Obviously these are matters that ought to be considered by the Treasurer. I will refer the question to him and bring down a reply.

WRONGS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936-1975. Read a first time.

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

That this Bill be now read a second time.

The present law provides protection against actions for defamation in certain circumstances. The Wrongs Act provides that a fair and accurate report in a newspaper of any proceedings publicly heard before a court, if published contemporaneously with the proceeding, is privileged. It states that this is also the case with the publication of a fair and accurate report in a newspaper of proceedings or the publication of certain official notices or reports unless published maliciously. The Act provides a penalty for unfair and inaccurate reporting. A defence exists where in the action for libel a person can prove that the publication in a newspaper or magazine was published without malice and without gross negligence.

The fact that reporting of matters is privileged in certain circumstances only if published in a newspaper fails to observe that radio and television provide a medium for dissemination of information nowadays. The attention of the Government was drawn to the imbalance of the privilege granted to one form of publication rather than the others. Accordingly, the Bill extends the privilege to radio and television reporting. This will mean that fair and accurate reporting of court proceedings, if published contemporaneously, of certain official notices and reports, reports of meetings of select committees of Parliament, reports of meetings of royal commissions will be privileged against actions for defamation be they reported in a newspaper, on radio or television. The monetary penalty for breach of the Act will be increased from $20 to $2 000.

I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 6 of the principal Act. That section provides that a fair and accurate report in a newspaper of any proceedings publicly heard before a court shall, if published contemporaneously with the proceedings, be privileged. The clause extends the application of the section to reports published by radio or television. Clause 3 amends section 7 of the principal Act which provides that a fair and accurate report in a newspaper of certain other proceedings or the publication of certain official notices or reports shall be privileged unless published maliciously. The proceedings referred to in the section are those of public meetings, meetings of local government bodies, meetings of royal commissions or select committees of either House of Parliament or meetings of shareholders of banks or incorporated companies. The notices or reports referred to are those published at the request of a Government office or department, a Minister of the Crown or the Police Commissioner. The clause extends the application of this section to publication by radio or television and to publication of the proceedings of either House of Parliament.

Clause 4 amends section 8 of the principal Act which creates a summary offence of publishing a report of a kind referred to in section 6 or 7 that is unfair and inaccurate. The clause extends the application of this section to publication by radio or television and increases the monetary penalty for the offence from $20 to $2 000. Clause 5 amends section 10 of the principal Act. Section 10 provides a defence to an action for libel contained in a newspaper or magazine if it is proved that the libel was published without malice and without gross negligence. The clause extends the application of the section to publication by radio or television.

Clause 6 amends section 11 of the principal Act which provides for mitigation of damages for a libel in a newspaper if the plaintiff has been compensated or agreed to be compensated in respect of libels to the same effect. The clause extends the application of this provision to any publication whether by newspaper or otherwise. Clause 7 amends section 14 of the principal Act which provides for defences to an offence against section 8. The clause makes consequential amendments to section 14 so that it applies to publication by radio or television.

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

PRISONERS (INTERSTATE TRANSFER) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act relating to the transfer interstate of prisoners. Read a first time.

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

That this Bill be now read a second time.

The necessity for uniform legislation to provide for the interstate transfer of prisoners was first raised at a meeting of the Standing Committee of Attorneys-General in 1973. In 1974 it was agreed that the matter should be considered by the New South Wales committee reviewing prison regulations under the chairmanship of the late Mr Justice McClemens. The report of this committee provided in large part the basis for the uniform legislation. The provisions for a uniform 'Prisoners (Interstate Transfer) Act' as agreed upon by the States and Territories have now been drafted and it is hoped that the legislation will be operational Australia-wide by next year.

The Bill provides for the transfer of prisoners from one State to another or from a State to a Territory or a Territory to a State, in the following circumstances: first, when the prisoner requests the transfer and the transfer is for the purposes of the prisoner's welfare (in this case the consents of the respective Ministers having the administration of the prison systems in the 'sending' and 'receiving' States or Territories are necessary before an order of transfer is issued

by the Minister in the 'sending' State); secondly, where another State or Territory requests the transfer of the prisoner or the prisoner himself requests his transfer for the purpose of standing trial and being dealt with for offences committed in the other State or Territory, and, thirdly when a prisoner is to be returned to a State or Territory after trial or for the purpose of attending appeal proceedings.

The draft Bill does not provide for the transfer of prisoners serving sentences within a State for offences against Commonwealth laws (including prisoners serving a combination of sentences within a State for offences against both Commonwealth and State laws). The Commonwealth has indicated that it will be preparing reciprocal legislation to provide for the transfer of these prisoners. When this is done, complementary provisions will be inserted in the uniform State legislation.

I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 sets out the arrangement of the Bill. Clause 4 provides that the proposed new Act is to be administered by the Chief Secretary. Clause 5 contains the interpretation provisions and includes definitions of 'prisoner' and 'sentence of imprisonment', which affect the ambit of the operation of the proposed new Act. 'Prisoner' means a person serving a sentence of imprisonment in South Australia but does not include a person imprisoned for an offence against a law of the Commonwealth. 'Sentence of imprisonment' is defined so as not to include a sentence of detention being served in a training centre under the Children's Protection and Young Offenders Act, 1979-1982. Children in training centres are therefore excluded from the operation of the proposed new Act.

Clause 6 provides that the Governor may proclaim that the laws of another State or Territory substantially correspond to the provisions of this proposed new Act and that specified courts in South Australia correspond to specified interstate courts. This provision ensures that prisoners will only be transferred between those States that have adopted this legislation (known as 'participating States') and underlines the goal of uniformity. Clause 7 provides the opportunity for a prisoner to be transferred for welfare reasons. The procedure is that the prisoner makes a written request to the Chief Secretary for a transfer to another State. The Chief Secretary then considers whether it is in the interests of the welfare of the prisoner that he be transferred. If he decides that the prisoner should be transferred, he may ask the Minister of the participating State to which the prisoner has requested a transfer to accept the prisoner. Clause 8 provides that where a Minister of a participating State agrees to accept a prisoner who has requested a transfer under clause 7, the Chief Secretary may issue an order for the prisoner's transfer. The decision of the Chief Secretary under this proposed section is not reviewable by a court or tribunal.

Clause 9 allows the Chief Secretary to disregard repeated requests for transfer by a prisoner which are made at intervals of less than a year. Clause 10 provides for the situation where the Chief Secretary receives a request from a Minister of a participating State to accept a prisoner who has requested a transfer to South Australia. The Chief Secretary is to give written notice to his counterpart that he either consents, or does not consent, to the transfer. Clause 11 provides that the Chief Secretary may obtain and consider any information, including reports of parole and prison authorities, which relate to the prisoner who has requested a transfer either from or to this State. Parole and prison reports can also be sent to the Minister of the participating State which is involved in the possible transfer.

Clause 12 is the first provision in that part of the Bill which deals with the transfer of prisoners for trial. It provides that where a South Australian prisoner is subject to a warrant for his arrest which has been issued in a participating State and the Attorney-General receives either a written request, accompanied by a copy of the arrest warrant, from the Attorney-General of the participating State for the transfer of the prisoner to the participating State, or he receives a written request from the particular prisoner for a transfer, he may either consent or refuse to transfer the prisoner to the other State. A request by a prisoner under this clause which is directed to the Chief Secretary is to be referred to the Attorney-General. A second request made within a year of the first need not be referred to the Attorney-General.

Clause 13 provides that the Attorneys-General of both of the States involved in a transfer which has been requested under clause 12 must concur, in writing, to the transfer before an order for transfer may be issued. Clause 14 provides that before a prisoner is transferred to a participating State, he must be brought before a court of summary jurisdiction so that the court can determine whether an order for his transfer should issue. The prisoner is entitled to legal representation at the hearing. Clause 15 empowers the court of summary jurisdiction to refuse to issue an order for the transfer of a prisoner if it considers that the transfer would be harsh or oppressive, or it would not be in the interests of justice, or that the charge or complaint against the prisoner is trivial and does not warrant the transfer. Clause 16 provides that a party which is aggrieved by a decision of a court under clause 15 can apply to the Supreme Court for a review of the decision. The prisoner can again be represented by a legal practitioner. The Supreme Court can either confirm the decision, or quash it and substitute its own decision.

Clause 17 directs the superintendent of the prison where the prisoner is situated to arrange for the prisoner to be brought to any court proceedings which relate to his transfer, and to ensure that he is to be kept in proper custody while he is away from the prison. Clause 18 provides that where a person who is the subject of a South Australian arrest warrant is in prison in a participating State, the South Australian Attorney-General may apply to his counterpart for the person's transfer for trial. Clause 19 empowers the Attorney-General of this State to either refuse, or consent to, an application by an interstate prisoner to be transferred here. Clause 20 provides that where a prisoner is transferred to South Australia for court proceedings and the result is either that he does not become liable to serve a term of imprisonment in South Australia, or the term of imprisonment is shorter than the balance of the sentence which he is still liable to serve in the State from which he has been transferred (called a 'section 27' sentence), the Chief Secretary shall, subject to the exceptions contained in clause 23, order the transfer of the prisoner back to where he came from.

Clause 21 is directed to the situation where a prisoner has been transferred to South Australia and then appeal proceedings arise in the State from which he has come. In this circumstance, where the Chief Secretary is satisfied that all the South Australian offences which relate to the prisoner have been dealt with, and the prisoner applies to be returned to his original State in order to be present at the appeal proceedings, the Chief Secretary shall issue an order for the prisoner's transfer. The Chief Secretary is not required to act, however, if he considers that a transfer would be contrary to the public interest. Clause 22 deals with the converse of the situation in clause 21, being the situation where a prisoner is transferred back to South Australia for an appeal. If the

result of the appeal is that the prisoner is not liable to serve in South Australia any further sentence, or is not liable to serve a sentence which is longer than the sentence which he was serving at the time of his transfer (a section 27 sentence again), the prisoner shall be transferred back to the participating State.

Clause 23 consists of ancillary provisions to the three preceding clauses. It first provides that, in any event, a prisoner shall not be transferred back to the State from which he has come if the prisoner requests that he remain in South Australia and the Chief Secretary and the appropriate interstate Minister agree that it is in the interests of the welfare of the prisoner that he remain. A transfer will also not occur if the prisoner is given what is called an 'indeterminate sentence', which is a sentence or order for imprisonment or detention for life, or during the pleasure of the Governor. Subclause (2) relates to the requirement of both clause 20 and clause 21 that a prisoner is not to be transferred back to the State from which he came unless every complaint or information against him has been finally dealt with. This subclause assists in determining whether all matters have been finalised. Subclause (3) provides assistance in determining the lengths of sentences, which may be relevant in the preceding provisions.

Clause 24 provides that when an order of transfer is made, it shall direct the superintendent of the prison where the prisoner is situated to arrange an escort for the prisoner on his transfer. The escort may be prison officers, policemen or appointees of the Chief Secretary. An escort coming into South Australia from a participating State is authorized to hold the prisoner in South Australia until he is conveyed to the appropriate prison. Clause 25 provides that on the transfer of a prisoner from South Australia, his South Australian sentences cease to have effect here. Any rights of appeal, time already served in prison, and the remittance of any money to the Chief Secretary for default sentences, are not, however, affected. Clause 26 specifies the information which is to be sent to the participating State on the transfer of a prisoner. This information is to include the order of transfer, any authority under which the prisoner has been held, and a report on the prisoner, comprised of details of convictions, sentences, non-parole periods, periods of imprisonment served, entitlements to remission and conditional release, grants of parole, and the prisoner's conduct.

Clause 27 provides that when a prisoner is brought to South Australia, any sentence of imprisonment which was imposed by a court of the participating State is deemed to have been imposed on him by the corresponding South Australian court and shall have full force and effect in this State. Clause 28 is comprised of provisions which are consequential to clause 27. Subclause (1) ensures that non-parole periods are transferred. Subclause (2) provides that if on a review or appeal in another State a sentence or non-parole period is varied or quashed, the action is deemed to have been taken in South Australia also. Subclause (3) prevents appeal or review proceedings from being commenced in South Australia in relation to matters imposed by courts elsewhere. Subclause (4) deals with indeterminate sentences during the Governor's pleasure. Subclause (5) directs the Governor in the exercise of the royal prerogative of mercy to treat a transferred prisoner as a prisoner who has been convicted in South Australia, and he may consider any indication from the Governor of another State. Subclause (6) provides that on transfer, terms already served and entitlements to conditional release or remission of sentences are acknowledged here. On arrival in South Australia, the prisoner comes under the provisions of the Correctional Services Act and may, if eligible, earn periods of conditional release.

Clause 29 relates to sentences imposed because of default in paying an amount which a court has ordered to be paid. If the amount, or a part, is subsequently paid, the term of imprisonment is consequentially reduced. Any amount which is paid to the superintendent of the prison is forwarded to the Minister in the State where the default imprisonment was imposed. A term will also be affected if the amount in default is altered on appeal or by an appropriate authority. Clause 30 provides that when the Attorney-General makes a decision under the proposed new Act in respect of a prisoner, he must inform the prisoner of the decision. Clause 31 relates to the situation where a prisoner in transit is temporarily brought into South Australia. Any escort is authorized to keep custody of the prisoner and a superintendent of a prison may receive the prisoner into custody. Clause 32 provides for the apprehension of a prisoner who escapes while being transferred. The prisoner is then to be taken before a justice, who may order that the prisoner be returned to the State from which he is being transferred. A justice's order lasts for seven days. Clause 33 provides a penalty of seven years imprisonment for escaping, or attempting to escape, from custody while being transferred pursuant to an order made in this State. The penalty is to be served at the expiration of the prisoner's other sentences. Clause 34 provides that a court of summary jurisdiction may revoke a transfer order if the prisoner commits an offence during the course of being conveyed under that order. Clause 35 gives the Governor power to make any regulations which are necessary or expedient for the purposes of the proposed new Act.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 August. Page 377)

The Hon. M. B. CAMERON: I support the Bill. This is a measure about which, like the Hon Mr Blevins, I have a little concern because I do not like to see a reduction in incentives for people to drive safely. However, I understand that the method of operation of P plates is administratively already carried out on a points system, with the driver concerned being subject to cancellation of his P plate licence on reaching a certain level of points.

I appreciate the point raised by the Hon. Mr Blevins and the concern he expressed about this matter. I believe that proposals relating to road safety that come before this Council, or any House of Parliament, should be based on what we all believe will assist in decreasing the road toll. I must say that, in the short period I have been directly associated with these sorts of measures in Government, both the Government and the Opposition in this Chamber have taken this point of view. I hope it will continue because this is not a matter in which politics are involved but an area in which we can help reduce the road toll—a matter of great concern.

We lose in Australia, on average, 10 people a day on the roads. If we were losing that number of people in any other way (in a war, for instance), we would be deeply concerned, building monuments to the people involved and having memorial services for them. Somehow we have lulled ourselves into thinking that the road toll is bound to happen and so do not worry about it too much. In Australia there is a general air of acceptance, which I find rather disturbing, towards the enormous road toll we face in all States.

I have indicated to some members, and now indicate publicly, that I will be moving an amendment to this measure which will be in line with a measure already existing in Tasmania. This matter was discussed by the select committee into random breath testing. Although we did not reach unanimous agreement, there was a lot of acceptance of P plate drivers being banned if they were found to have any alcohol in their blood when they drove.

This is a matter that I think should be put before the Parliament and discussed. I believe it is a measure that common sense dictates would help reduce the road toll and also in training young drivers not to drink and drive right at the beginning of their driving careers. Those older people who are learning to drive would, similarly, learn to appreciate right from the beginning that drinking and driving do not mix.

I give notice that I will be moving amendments to bring that into effect. Those amendments are not on file, because there is some difficulty with a small part of the drafting. However, I can assure members that they will be on file by next Tuesday and I will ensure that members receive copies of them as soon as possible. This measure has been in effect in Tasmania for five years. On discussing it with the Tasmanian authorities, I was told that they consider it to be a very important part of their armoury against the road toll.

It appears, on face value, to have had some considerable benefit in Tasmania. During the five-year period involved, Tasmania's road toll has decreased substantially and it is considered that this provision is part of the reason for that reduction. However, I know that the first question asked whenever one brings up a subject like this is, 'Show me the statistics that prove that it works.' That is very difficult because one cannot ever isolate particular issues and say that that is the reason why a person was not killed, or that that is the reason why the road toll has gone down.

It is better if one does not become too academic in this sort of exercise. Common sense must tell us that, if a measure is introduced which stops people right at the beginning of their driving careers from drink driving, that experience must extend into a person's later years. In other words, if young people are forced into a situation which already exists in Tasmania, that is, that young people must pick out a safe driver before they go out or else not drink if they are driving alone, that must have an effect on their thinking in later years.

We must have some regard for the normal common sense of young people. For that reason, I believe that if we bring in this measure to ban drink driving during the early stages of people's driving lives, when they have P plates or L plates, we will find that it will extend into their later thinking in relation to driving.

In South Australia we allow people to obtain a P plate about a year before all the other States allow it. In Tasmania one can obtain an L plate at 16 years, but cannot obtain a P plate until 16 years and 9 months (almost a full year). In other words, one has to be an L plate driver almost right through that first year of driving, whereas in South Australia one can obtain an L plate and then very promptly obtain a P plate. Thus, this State extends the privilege to young people to obtain a P plate and then a full licence much earlier than does any other State.

During the period until a person is 18 he should not be drink driving, because the age at which drinking in hotels is permitted is 18 years. Therefore, in normal circumstances, they should not be involved in any drinking and then become associated with driving. That does not mean that we should ban young people from drinking if they are under the age of 18, but in normal circumstances that would not be the case. I believe that if a person is involved in drinking and driving during the P plate or L plate period, we should take fairly heavy action against him; in fact, we should do as the other States do and provide that those drivers do not have a further opportunity to obtain a P plate or L plate for a further 12 months. That matter will be subject to further discussion in this Chamber, but I believe that the penalty should be to stop people from having anything further to do with driving for a 12-month period. In relation to penalties, that will become more obvious once I put the amendments on file.

I urge members, when I introduce these amendments, to consider the matter seriously because young people in this country are a very valuable resource and we should try and keep them alive during this period when those drivers have virtually no developed skills in driving. During this period drivers are at the training stage, and when the factor of alcohol is included their lives are put at risk. I believe that this measure will lead to a greater degree of responsibility by young people in relation to driving.

As far as older people are concerned, I know that concern was expressed earlier that there might be people on cough mixtures or other medications which include a percentage of alcohol. In real terms, I am informed that in Tasmania that is not a problem because there is a set level. I will not discuss that level publicly, but there is a measure set below which there is no prosecution. That level is realistic and will certainly not cause problems in court procedures. I do not believe that that is a real problem at all.

I urge members, when these amendments are dealt with during the Committee stage, to support them. In South Australia at the moment between 35 and 50 people lose their P plates each month because of drink driving offences. This indicates to members the problems which exist within the community on this matter. For that reason, I believe that this measure should be supported. I support the Bill.

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

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 18 August. Page 548.)

The Hon. FRANK BLEVINS: This is the usual Supply Bill presented to Parliament at this time of the year, and the Opposition is happy to assist in its speedy passage.

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

ADJOURNMENT

At 3.32 p.m. the Council adjourned until Tuesday 24 August at 2.15 p.m.