# LEGISLATIVE COUNCIL

Tuesday 13 November 1984

**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:

Appropriation (No. 2),
Country Fires Act Amendment (No. 2),
Housing Agreement,
Planning Act Amendment (No. 5),
Racing Act Amendment (No. 2).

## PETITION: VIDEO TAPES

A petition signed by 24 residents of South Australia praying that the Council will ban the sale or hire of X rated video tapes in South Australia was presented by the Hon. K.T. Griffin.

Petition received.

## PETITION: ANTI DISCRIMINATION LEGISLATION

A petition signed by 74 electors of South Australia praying that the Council would amend the Anti Discrimination Bill to recognise the primacy of marriage and parenthood was presented by the Hon. K. T. Griffin.

Petition received.

## PETITION: FIREARMS LEGISLATION

A petition signed by 40 electors of South Australia praying that the Council would defeat any firearms legislation which was further restrictive; consider the effectiveness of present legislation; refuse further unwarranted increases in fees; and apply a significant part of the revenue gained to promote and assist sporting activities associated with firearms, was presented by the Hon. I. Gilfillan.

Petition received.

## FLINDERS MEDICAL CENTRE

**The PRESIDENT** laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Flinders Medical Centre—Computed Tomographic Scanner Replacement.

## PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

*Pursuant to Statute—*

Acts Republication Act, 1967—
- Education Act, 1972—Reprint—Schedule of alterations made by the Commissioner of Statute Revision.
- Stamp Duties Act, 1923—Reprint—Schedule of alterations made by the Commissioner of Statute Revision.

Second-hand Dealers Act, 1919—Regulations—Used tyre dealers.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

*Pursuant to Statute—*

Trade Standards Act, 1979—Regulations—Children's folding chairs.

By the Minister of Health (Hon. J.R. Cornwall):

*Pursuant to Statute—*

Food and Drugs Act, 1908—Regulations—
- Marzipan standards;
- Fruit flavour standards.

Planning Act, 1982—Crown Development Reports by S.A. Planning Commission on proposed—
- Development by Woods and Forests Department at Murray Bridge.
- Erection of classroom at Hahndorf Primary School.
- Borrow pit for Nundroo-Fowlers Bay Road (3).
- Roofing and lining of Wattle Park reservoir.
- Land divison, Booleroo Centre.
- Borrow pit, Sec. 341, Hundred Tatiara.
- Borrow pits, Lincoln Highway.
- Quarry operation, Lincoln Highway.
- Quarry operation, Section 63, Hundred Booyoolie.
- Realignment of a 66kV transmission line.
- Erection of radio tower on Mount Horrocks for South Australian Police Department and Country Fire Service.
- Transportable classroom, Augusta Park High School.
- Regulations—Vegetation Clearance (Amendment).

Radiation Protection and Control Act, 1982—Regulations—Activity limit and after hours telephone number.
S.A. Waste Management Commission—Report, 1983-84.
District Council of Franklin Harbour—By-law No. 32—Keeping of animals within township.

By the Minister of Agriculture (Hon. Frank Blevins):

*Pursuant to Statute—*

Boating Act, 1974—Regulations—Tumby Bay Zoning.
Poultry Farmer Licensing Committee—Report on Operations and Activities of, 1983-84.
Fees Regulation Act, 1927—Regulations—Water and Sewerage Planning Estimates Fees.
Metropolitan Milk Supply Act, 1946—Regulations—Wholesale Deliveries.
South Australian Meat Corporation—Report, 1983-84.

By the Minister of Fisheries (Hon. Frank Blevins):

*Pursuant to Statute—*

Fisheries Act, 1982—Regulations—Devices and Closed Waters.

By the Minister of Correctional Services (Hon. Frank Blevins):

*Pursuant to Statute—*

Prisons Act, 1936—Regulations—Prisoner Wage Rates and Conditions.

# QUESTIONS

## WINE INDUSTRY

**The Hon. M.B. CAMERON:** I seek leave to make a statement prior to asking the Minister of Agriculture a question on the wine industry.

Leave granted.

**The Hon. M.B. CAMERON:** As members would know, in the past two years there have been a number of decisions made by Federal Governments which have caused a lot of trouble within the wine industry. The first was to tax fortified wine, followed by the 10 per cent sales tax on wine which will cause continuing problems for the wine industry. I had hoped that that would end Government interference, particularly Labor Government interference, in the wine industry. I trust that our Minister of Agriculture is not proceeding down any similar course.

I have received a media release from the Wine Grape Growers Council. No doubt the Minister has seen it and I will quote a couple of paragraphs from it as follows:

Public comment made at industry forums by the South Australian Minister of Agriculture, the Hon. F. Blevins, have been interpreted by the Wine Grapegrowers Council as implying that their representation would be better serviced if incorporated within a large agro-political organisation. Grapegrowers have become increasingly concerned at the unusual and unprecedented favour shown by Government and its departmental researchers to one particular agro-political organisation as confirmed by recent media exposure.

This peculiar development, coupled with the Government's obvious procrastination in commencing the South Australian winegrape price fixing procedures, has involved exploitation by individuals and corporate organisations that are motivated by self interest.

My questions to the Minister are as follows:

1. Is the Minister actively promoting the amalgamation of the Wine Grapegrowers Council with another body?

2. Does he intend in the future to appoint industry representatives from other than the Wine Grapegrowers Council?

3. Will he give an assurance that he will not interfere in the internal affairs of the wine industry, including its representation?

**The Hon. FRANK BLEVINS:** I did see the press release. I also saw a previous one from the same organisation. I will obtain photostats of those releases for the Hon. Mr Cameron. The headlines above the reports on the press release were quite surprising. One headline said how much they congratulated me whilst the other headline on the same release said how much they condemned me. It is a question of which one prefers. The short answer is that, as Minister of Agriculture, my only interest in who represents the wine grape growers is that they be effective. The wine grape growers within the wine industry are the most vulnerable sector of the industry. There are at least three organisations to my knowledge which claim to represent a percentage of wine grape growers. My response to that is that they would be better served in my opinion through a single united voice: that does not simply apply to wine grape growers but to any other industry sector.

If the wine grape growers choose to stay in different organisations, that is their business—it really is of no immediate concern to me. However, I do not think it is in their long-term, or even their short-term, interest as their problems are immediate. I would give the same advice, if requested, to any other sector of industry. It is a mistake for an industry to be so divided in the way that the wine grape industry is divided. If it was a more powerful sector of industry it could afford that luxury. I do not believe that it can. However, that is its business. I certainly do not favour any sector of the industry over another. I deal with anybody who has a claim to represent a particular sector of primary industry and am happy to do so, whilst not resiling from my opinion that they would be better served by a united body. As I understand, the second question is whether or not I intend appointing representatives from other organisations. My response is—to what?

**The Hon. M.B. Cameron:** There is also the question relating to the fixing of wine grape prices.

**The Hon. FRANK BLEVINS:** That is a question for the Minister of Consumer Affairs. The question of representation on that committee should be taken up with the appropriate Minister. It is my understanding that in past years this matter has gone to arbitration, and that the Prices Commissioner has made a determination about price because the committee has been unable to agree. Whether or not additional people are seconded to, or appointed to, that committee, it seems to me that the basic disagreement will remain and that the Prices Commissioner will have to continue to bring down an order. That is something that the honourable member will have to take up with the Minister of Consumer Affairs.

## SPEED LIMITS

**The Hon. M.B. CAMERON:** Has the Minister of Agriculture a reply to the question I asked on 24 October about speed limits?

**The Hon. FRANK BLEVINS:** My colleague the Minister of Transport advises that research in Australia and overseas into open road speed limits has indicated that the frequency and severity of road accidents increases:

as average speeds increase (the rate of increase in accidents is very rapid with speeds in excess of 100 km/h);

when there is a wide deviation of vehicle speeds from the average.

The proposed variation to the State's speed limit is intended to address the above two issues and also to achieve greater uniformity between State speed limits.

The following table illustrates some recent overseas findings on the relationship between speed reduction and accident reduction:

| | Speed Limit (km/h) Before | After | Accident Reduction per cent |
|---|---|---|---|
| Finland | 100 | 80 | 43 |
| Sweden | 110 | 90 | 30 |
| | 90 | 70 | 22 |
| Denmark | 90 | 80 | 17 |
| West Germany | None | 130 | 11 |
| U.S.A. | 105 | 90 | 12 |

The overseas evidence suggests that a significant reduction in rural accidents would be achieved by the proposal. However, other aspects need consideration and my colleague has decided to establish a small working party to advise the Government on this question.

## WINE TAX

**The Hon. M.B. CAMERON:** Has the Minister of Agriculture a reply to my question of 28 August about wine tax?

**The Hon. FRANK BLEVINS:** It is expected that the extra State revenue to be generated by the Commonwealth sales tax on wine will be (in current dollars):

1984-85—Zero.
1985-86—$0.2 million.
1986-87—$0.6 million.
1987-88—$0.7 million.

Receipts for 1984-85 are based mainly on sales in 1982-83 and partly on sales in 1983-84, neither of which will be affected by the Commonwealth measure. Receipts for 1985-86 are based mainly on sales in 1983-84, which will not be affected by the Commonwealth measure, and partly on sales in 1984-85, which will be affected by the Commonwealth measure for about 10 months. Receipts for 1986-87 are based mainly on sales in 1984-85, which will be affected by the Commonwealth measure for about 10 months, and partly on sales in 1985-86, all of which will be affected by the Commonwealth measure.

Receipts for 1987-88 are based mainly on sales in 1985-86 and partly on sales in 1986-87, both of which will be affected in full by the Commonwealth measure. Therefore, it is misleading to suggest that the Government will receive a windfall as a result of the sales tax which justifies immediate reductions in State licence fees. State licence fees do not discriminate between types of liquor, except in so far

as they favour beverages with a low alcohol content. However, the Treasurer has indicated his willingness to examine a suggestion that some special concession be given to vignerons selling at the cellar door. This undertaking was given in the context of finding ways to encourage the tourist aspect of the wine industry.

## FLUOROSIS

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Health a question about fluorosis.

Leave granted.

**The Hon. J.C. BURDETT:** Some time ago I placed on notice questions as to an inquiry into the appropriate level of fluoride in our water supply, as to any change in the level and as to what the level is. I received a reply on 11 September which stated, *inter alia*:

> The former study—

there were two studies, so it is referring to the former study—

> showed a level of dental hypocalcification in Adelaide children higher than that in non-fluoridated areas, but consistent with that expected of flouride.

Observations of dentists appear to indicate that the incidence of fluorosis, that is, speckling and splitting of the teeth of children is higher than was thought to be. Dentists are treating a number of children to restore their teeth to acceptable cosmetic appearance. It would appear that the level of fluoridation in the past might have been too high and might have been the cause of this level of fluorosis and of the trouble that is caused to the teeth and the treatment that is necessary. My questions are:

1. What did the studies undertaken show the prevalence of dental fluorosis to be?

2. If the prevalence is higher than normally expected, will the Government consider compensation in the form of meeting the costs of restoring children's teeth to acceptable cosmetic appearance or in some other form?

**The Hon. J.R. CORNWALL:** First, I sincerely hope that the honourable member is not trying to bring the fluoridation programme into any sort of disrepute. Also, I hope that he is not trying to raise levels of anxiety about problems that more than likely do not exist.

*Members interjecting:*

**The PRESIDENT:** Order! Come on, let's get on with it.

**The Hon. J.R. CORNWALL:** You are a pathetic lot, you really are. The fact is that since the introduction of fluoridation in metropolitan Adelaide, and largely as a result of that fluoridation programme, the incidence of caries in this city has fallen quite dramatically. It has fallen by the order of about two-thirds. We now have a whole generation of children and young adults whose dentition and whose oral health will not only be dramatically different from those of our parents, who automatically faced the prospect of wearing dentures from quite an early age, but will also of course be quite dramatically different from people of our generation, who tend to have mouths full of amalgam and other fillings because caries was prevalent until quite recently and was a serious problem. Fluoridation, combined with the school dental programme, means that we have a whole new generation of children with remarkable dental health.

As to the specific allegations in relation to fluorosis or the symptoms of fluorosis, that most certainly has not been drawn to my attention by the South Australian Dental Service. I would find it very surprising if the incidence as alleged by the Hon. Mr Burdett was with us without it having been drawn to my attention. In relation to the specific studies undertaken, what they showed and the specific figures asked for by the honourable member, I do not have them in my head but I will bring back a reply as soon as I reasonably can. The honourable member's second question is hypothetical until such time as I have a report from the South Australian Dental Service.

## POLICE COMPLAINTS

**The Hon. K.T. GRIFFIN:** I seek leave to make a brief explanation before asking the Attorney-General a question about police complaints.

Leave granted.

**The Hon. K.T. GRIFFIN:** The Attorney-General will be aware of the widespread concern among members of the Police Force about the Government's proposed Police Complaints Authority and its wide powers in respect of the conduct of a member of the Police Force. One particular matter of concern is the power of the Authority, or a person authorised by it, to enter 'any premises used by the Police Force or any other place and may carry on the investigation at that place.' No search warrant, as is required if the suspect is a private citizen, is necessary.

The Police Complaints Authority also is to have wide powers compelling the accused and any other person to appear to answer questions, and that can include family. A person is compelled to answer questions but in limited circumstances the answers may not be used in evidence against that person if he or she is charged later. All of this suggests that the police are to be treated as another class of person from those of other citizens who have clear basic rights in respect of refusal to answer questions which might tend to incriminate, and for premises to be searched only upon a search warrant.

The Attorney-General, as the principal law officer of the Crown, has some basic responsibilities to maintain and uphold the law and to endeavour to ensure that basic rights are not trampled on. Within the Government Party undoubtedly there are some members, particularly a former member who is now destined for another place, who are paranoid about the police to the extent that they would do all in their power to cut them down.

**The PRESIDENT:** Order! I must remind the Hon. Mr Griffin that his explanation must pertain to his question.

**The Hon. K.T. GRIFFIN:** Presumably the Attorney-General has considered the basic rights of the police. Accordingly, my questions are as follows:

1. Does the Attorney-General hold the view that premises ought to be entered and searched only upon warrrant?

2. Does the Attorney-General agree that in the case of the police the Government's proposed Complaints Authority has wide powers which breach that position?

3. What will the Attorney-General do to ensure that basic rights of police officers are protected from invasion by the proposed Authority?

**The Hon. C.J. SUMNER:** The question of the Police Complaints Authority is the responsibility of the Minister of Emergency Services. I understand that he will be having further discussions with the Police Association and the police about the Authority. Honourable members will recall that the proposed Authority is included in legislation that was brought before Parliament after a quite long gestation period, including a report prepared by a committee chaired by a former stipendiary magistrate, Mr Ian Grieve, and upon which were representatives of the Police Force and other community representatives.

While the Bill does not in all respects follow the Grieve recommendations, there has been a considerable amount of consultation on the Bill over a very long period of time. That consultation will continue. The Minister of Emergency

Services will be discussing the matter further with the police following their representations to him. While those discussions are proceeding it would be inappropriate for me to comment further.

**The Hon. K.T. GRIFFIN:** I desire to ask a supplementary question. Does the Attorney-General hold the view that premises ought to be entered and searched only upon warrant?

**The Hon. C.J. SUMNER:** The honourable member has asked that question in the context of the Police Complaints Authority. I have answered the question by saying that it would be inappropriate for me to comment on the honourable member's questions in the light of the fact that the Minister of Emergency Services is negotiating with representatives of the Police Association and the police in relation to complaints against the police Authority.

**The Hon. R.C. DeGaris:** What's that got to do with it?

**The Hon. C.J. SUMNER:** Because the honourable member raised it in that context. If the Hon. Mr DeGaris had listened to the Hon. Mr Griffin's question he would know that the Hon. Mr Griffin prefaced his question with many remarks expressing opinions—out of order, of course—about a whole lot of things in relation to the Police Complaints Authority. I am saying that legislation has been prepared and will be introduced into Parliament—first in the House of Assembly and then in the Council if it passes the House of Assembly. At that time, if the honourable member has any questions about the legislation and its powers, I will provide answers to those questions. At this stage I have no intention of answering the questions outlined by the honourable member in the context of discussions proceeding between the Minister of Emergency Services and the Police Association. That would not be an appropriate course of action for me to take. The Minister of Emergency Services is responsible for the Bill. When it comes into the Council I will be responsible for its passage and I will be quite happy to entertain the honourable member's questions at that time.

## PUBLIC SERVICE GUIDELINES

**The Hon. B.A. CHATTERTON:** Has the Attorney-General a reply to the question I asked on 18 September about Public Service guidelines?

**The Hon. C.J. SUMNER:** The guidelines for public servants working as private consultants are covered within the Public Service Act. I refer the honourable member's attention to section 119 (1) of the Public Service Act which prescribes that except with the permission of the Public Service Board no officer shall:

> engage or continue in the private practice of any profession, trade or business or enter into any employment whether remunerative or not with any person, company or firm who or which is so engaged;
>
> accept or engage in any remunerative employment other than in connection with the duties of his office or offices.

The criteria under which such permission may be granted are determined by the Public Service Board. The current criteria were last promulgated in Public Service Board Memorandum to Permanent Heads No. 117 on 24 March 1981, a copy of which can be made available for the honourable member if he so desires.

## MIGRANT EDUCATION

**The Hon. C.M. HILL:** My questions are directed to the Minister of Ethnic Affairs. As there is considerable concern among migrant communities in South Australia, particularly the Italian/Australian community, at the inaction by the Government to implement the recommendations of the Ethnic Affairs Commission task force on education, can the Minister say what are the reasons for the delays by the Government, and when major decisions will be made by the Government in regard to this matter?

**The Hon. C.J. SUMNER:** I find it astonishing that the honourable member should raise this question of multicultural education after his record in this area. As Minister of Ethnic Affairs he presided, and members of his Government presided, over the production of the Keeves inquiry into education. The Keeves inquiry decided that there should be no teaching at all of community languages in primary schools. That was the policy put forward.

**The Hon. C.M. Hill:** That was the Keeves inquiry's recommendation—it was not Government policy.

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** The Hon. Mr Hill was a member of Cabinet.

*The Hon. C.M. Hill interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** The Hon. Mr Hill was a member of Cabinet, and he appointed the Keeves Committee.

**The PRESIDENT:** Order! The Attorney-General will resume his seat. Some interjections are permissible, but a shouting match across the Chamber is not to take place.

**The Hon. C.M. Hill:** Answer the question!

**The Hon. C.J. SUMNER:** I will answer the question. The honourable member should not worry about it. The Keeves Committee, set up under the previous Government, recommended that there be no teaching of community languages in primary schools and that the teaching of community or foreign languages, whatever one likes to call them, should commence only in secondary school. That ran contrary to the policy developed by the Labor Government during the 1970s, during which time there was a substantial increase in the teaching of Italian and Greek, particularly, in the primary schools in this State. The figures indicate that the increase, which occurred from about 1970 onwards—

**The Hon. C.M. Hill:** When are you going to answer the question?

**The Hon. C.J. SUMNER:** I am answering it—levelled out in 1982 and 1983. After coming into office, I indicated—and the Cabinet supported—that the Government would adopt a process over a period of establishing task forces in each Government department. We started with the Health Commission. A report will be released, probably on Saturday, in relation to community welfare. Another task force, with respect to the Department of Labour, will be established shortly.

**The Hon. C.M. Hill:** And then you will not do anything about it.

**The Hon. C.J. SUMNER:** That is not true. A task force into education was also established, chaired by Dr Smolicz, who was a member of the Ethnic Affairs Commission appointed by the honourable member when he was Minister of Ethnic Affairs. That task force reported earlier this year, and the report contained some very comprehensive recommendations. It has gone to Cabinet, which has given in-principle approval of the report, and within the Education Department a small group is now established, with participation and research back-up from the Ethnic Affairs Commission, to set out a programme of implementation of that report. It is all very well for the honourable member to ask, 'What is being done about it?' The fact is that a task force into education in this State reversed the trend over which the honourable member presided, and he cannot deny that. It reversed the policy established by the Keeves Committee of inquiry.

**The Hon. C.M. Hill:** It was the committee, not the Government.

**The Hon. C.J. SUMNER:** The honourable member says that is was not the Government. He is denying the Keeves Committee now, washing his hands of it and saying that it had nothing to do with the previous Government, that it somehow materialised out of the air and that it just occurred.

**The Hon. C.M. Hill:** You heard what the Italians said to you about this matter on Sunday. They want some action.

**The Hon. C.J. SUMNER:** That is all very well for the honourable member. The Italians know our record in this area during the 1970s. They know what the honourable member did, which was nothing. They know that his Government slowed down the policies that were adopted by the previous Labor Government during the 1970s, and the honourable member cannot deny that.

**The Hon. C.M. Hill:** That is a lot of rubbish! There were no programmes there.

**The Hon. C.J. SUMNER:** That is an absurd statement. Substantial programmes in the education area were developed during the 1970s. The honourable member apparently has not heard of the Ten Schools Programme; that certainly was not an initiative of his Government. The establishment of language teaching in primary schools occurred during the 1970s, and the honourable member attempted to reverse that trend through the Keeves Committee.

**The Hon. C.M. Hill:** You should hear what the Italians are saying about you in regard to the questions that I asked. That is what I am concerned about.

**The Hon. C.J. SUMNER:** I am answering the questions. A task force was established.

**The Hon. C.M. Hill:** Even publicly they are criticising you.

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** The honourable member, as Minister, cancelled the task force programme that was established in 1979.

**The Hon. C.M. Hill:** That is not true.

**The Hon. C.J. SUMNER:** He did. He had no task forces. He did nothing in any of the departments. He did nothing in three years to proceed with the task forces programme that was established and approved by the Corcoran Government. We reactivated it. It is all very well for the honourable member to wave his hands around and say that these things can be done overnight; the fact is that the honourable member's Government reversed the trend of the 1970s.

**The Hon. C.M. Hill:** What am I going to tell my Italian friends?

**The Hon. C.J. SUMNER:** I will tell them. The honourable member does not have to tell them. I see them much more than he does.

**The Hon. C.M. Hill:** You have not been to any of their functions lately.

**The Hon. C.J. SUMNER:** Yes, I have; I was there on Sunday.

**The Hon. C.M. Hill:** Yes, you were there, and you heard about the criticism on this point.

**The PRESIDENT:** Order! This has nothing to do with the matter.

**The Hon. C.J. SUMNER:** I am inclined to agree with what the honourable member says.

**The Hon. L.H. Davis:** That they are criticising you?

**The Hon. C.J. SUMNER:** No. They could not possibly be critical in the light of the attitude of honourable members opposite from 1979 to 1982. If there is any problem in this area—

**The Hon. C.M. Hill:** We set up the Commission. What are you talking about?

**The Hon. C.J. SUMNER:** What did the Commission do under the honourable member's leadership about the teaching of languages in primary schools? Absolutely nothing!

*The Hon. C.M. Hill interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Hill can ask a supplementary question.

**The Hon. C.J. SUMNER:** The honourable member can get into the Commission. Perhaps he would like to read the Totaro Report and what it said about the Commission established by the honourable member. It is not very complimentary, as he knows. The task force has reported. The report has gone to Cabinet.

*The Hon. C.M. Hill interjecting:*

**The Hon. C.J. SUMNER:** I have already said this. Obviously, budgetary considerations have to be taken into account. The honourable member knows how Governments work. There is now within the Education Department an implementation team headed by Mr Barr, with participation and research backup from the Ethnic Affairs Commission. That team is looking in detail at the very detailed and complex Education for a Cultural Democracy Report. At least the report is there; it provides a basis for the development and continuation of these policies in the 1980s, and provides the basis to reverse the policies established by the honourable member while he was in Government.

## SOLICITOR'S IDENTITY

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

Leave granted.

**The Hon. ANNE LEVY:** It was reported in yesterday's paper that a solicitor had been arrested—

**The Hon. K.T. GRIFFIN:** A point of order, Mr President. That is a matter that is *sub judice;* it is before the court.

**The Hon. Anne Levy:** You do not know the question that I am asking.

**The PRESIDENT:** I will hear the question.

**The Hon. ANNE LEVY:** It was reported in yesterday's paper that a solicitor had been arrested, I think on a charge of fraud. Apparently, over the weekend one of the radio stations indicated that the person was a political figure. I did not hear this myself, but a number people have commented to me that they heard this radio report. In consequence, many people think that the solicitor concerned is a member of this Parliament. Eight members of this Parliament have legal qualifications. To put the matter at rest, will the Attorney assure the Council that none of the eight legally qualified members of this Parliament is the individual referred to?

**The Hon. C.J. SUMNER:** I will have to examine the terms of the suppression order, which I assume has been made in this case, and bring back a reply.

## PRIVACY OF INFORMATION

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before asking the Leader of the Government in the Council a question about the privacy of information.

Leave granted.

**The Hon. R.J. RITSON:** The most recent *Sunday Mail* contained a report of Government moves and, I think, a Government appointed task force to look into the question of citizens' privacy. The Hon. Mr Sumner is quoted as being extremely concerned to champion the cause of citizens' privacy, and I therefore bring to his attention a form that is the offspring of the Health Commission called the ISIS

form (Inpatient Separation Information System). It is an extremely complicated form and requires the recording of race, marital status (that is, whether a person is married, *de facto,* widowed, divorced or separated), occupation and a lot of details about the person's health.

The form is devised in several parts so that the information prints through to some sheets and not others, enabling the clinical data to be separated from the personal particulars. The personal particulars part, of itself, contains boxes in which the name of the hospital or the clinic is to be recorded, and people handling only that part of the form can discover that someone has been to, say, the Queen Victoria Hospital, that that person is not married and that, from the address shown, she happens to be the nice lady living next door with the gentleman to whom she appears to be married. It is assumed that thousands of these forms will be handled by junior clerical staff. However, the draft of the guidelines for the use of this form at page 8 shows the instruction:

Hospitals now have the option of submitting these data separately with the duplicates and triplicates of the ISIS form. It would be most expedient, however, for both the hospital and the Health Commission if the two forms were submitted together.

Although we have been told that the forms are specially designed to keep the information separate, the instruction sets out that it would be most expedient if the two forms were submitted together. This means that quite junior staff will be handling the whole of the information. Members with some knowledge of how health insurance works will know that junior staff who have worked in this field know at the drop of the hat the code number for an abortion or a psychiatric consultation. Adelaide is a very small place.

This form is being introduced at a cost of, I understand, $400 000, and I believe that patient confidentiality would be threatened if the forms were opened and processed by junior clerical staff who were very well aware of what the code numbers meant and who were also well aware of what three days in the gynaecological unit of the Queen Victoria Hospital meant. A psychiatrist to whom I spoke about this matter said that it would just increase the number of lies he told in recording details about his patients. Will the Attorney-General, in his crusade for citizens' privacy, consult with his colleagues and the Health Commission and direct the attention of the task force to inquire whether the use of this form is justified?

**The Hon. C.J. SUMNER:** Part of the proposals of the Privacy Committee is to establish guidelines for information held by institutions, both private and public, and to ensure by those guidelines that people's privacy is not invaded unnecessarily. I do not have any detailed knowledge of the situation outlined by the honourable member but, if he is concerned about it, no doubt he could put the matter before the working group which has called for submissions. The Privacy Committee has produced a discussion paper, which is available for public comment, and I invite the honourable member to make his comments known to that committee. The committee can then consider whether or not it is the sort of thing about which there should be guidelines.

**The Hon. R.J. Ritson:** Whom do I contact?

**The Hon. C.J. SUMNER:** Ms Margaret Doyle. I understand that the Minister of Health can provide additional information on this topic.

**The Hon. J.R. CORNWALL:** I welcome the opportunity to give the lie to this performance by the Hon. Dr Ritson. He did a similar sort of thing in a most reprehensible and irresponsible way in regard to a private hospital information form being used or recommended by the Health Commission some months ago, and now he beats up the story again. The honourable member is referring to the Inpatients Separation Information System, which is being funded by the Federal Government. In fact, the cost will be about $600 000 for the computer hardware and software, not for the form, as the honourable member so stupidly put it.

The sort of information we wish to collect relates to a range of things, such as epidemiology, ranging through to the sort of information we need in 1984 and 1985 for adequate management information. It is about running a better hospital service; it is about running a better health system; it is about containing costs; it is about wanting to know or being able to say what the incidence of disease patterns are in the community. To try to bring that aim into disrepute, as the Hon. Dr Ritson has done, is, as I said, quite reprehensible and totally irresponsible and as a qualified medical practitioner he ought to know better. The fact is that the forms (and there is a series of forms) are not only separate but are also separated, and the Hon. Dr Ritson knows, because he received this information when he tried to beat up a story previously, that patient confidentiality is protected. I would suggest that what the Hon. Dr Ritson has tried to do today—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.R. CORNWALL:** —for cynical political purposes is a disgrace to himself and to his Party.

*Members interjecting:*

**The PRESIDENT:** Order! The honourable Minister of Health and the Hon. Mr Davis must come to order.

## TOW TRUCKS

**The Hon. G.L. BRUCE:** Has the Minister of Agriculture a reply to a question I asked on 18 October about tow trucks?

**The Hon. FRANK BLEVINS:** Car stickers have been available since the introduction date of the accident towing roster scheme (14.10.84). The stickers have been distributed via Motor Registration Division offices, towtruck operators, insurance companies, South Australian Automobile Chamber of Commerce and other venues. They will continue to be available to any organisation willing to distribute same. A 'publicity card' is being letter-boxed dropped by towtruck operators who are advertising their crash repair shops on the rear of the card.

## YATALA INDUSTRIAL COMPLEX

**The Hon. I. GILFILLAN:** Has the Minister of Correctional Services a reply to a question I asked on 18 September about the Yatala industrial complex?

**The Hon. FRANK BLEVINS:** The replies are as follows:

1. The delay in the opening of the complex has been caused by protracted negotiations with the unions representing staff at Yatala Labour Prison on staffing arrangements at the prison, including the industries complex.

2. In 1983-84 the gross average earnings of correctional officers at Yatala Labour Prison were $25 950. The minimum award rate for a correctional officer is $17 166 without penalty rates.

3. There have been no problems in relation to salaries for correctional industry officers at the complex. In relation to correctional officers, the industries complex is being operated as a separate unit on a five day week basis. Correctional officers have volunteered to work under these conditions and, as such, will not receive penalty payments for shift work. Although this was a matter raised during negotiations, there are now sufficient staff prepared to operate under the new conditions.

4. There are variations in gross average earnings of correctional officers between institutions. The average for Yatala

Labour Prison is $25 950. The gross average earnings across all institutions is $25 340.

## QUESTIONS ON NOTICE

### FROZEN EMBRYOS

**The Hon. J.C. BURDETT** (on notice) asked the Minister of Health: How many frozen embryos are currently held in each of—

1. Queen Elizabeth Hospital?
2. Flinders Medical Centre?

**The Hon. J.R. CORNWALL:** The replies are as follows:

1. At the Queen Elizabeth Hospital there are 56 frozen embryos stored for couples actively participating in the *In Vitro* Fertilization Programme.
2. There are no embryos stored at Flinders Medical Centre.

### DENTAL COURSE

**The Hon. J.C. BURDETT** (on notice) asked the Minister of Health:

1. What criteria were used in assessing the applications of students for the dental technicians' course currently being conducted?
2. Did the criteria include reference to income earned in the past by applicants from the making and fitting of dentures?

**The Hon. J.R. CORNWALL:** The replies are as follows:

1. Candidates were selected from dental technicians who had spent a major proportion of their worktime in making and fitting dentures.
2. No.

### SAPFOR

**The Hon. R.I. LUCAS** (on notice) asked the Minister of Agriculture:

1. Has any officer of the S.A. Timber Corporation contacted SAPFOR or its selling agent about the possibility of S.A. Timber Corporation purchasing SAPFOR?
2. *(a)* If yes, was the Minister aware of that contact prior to that contact being made?
   *(b)* Did the Minister give approval for such contact being made?

**The Hon. FRANK BLEVINS:** The replies are as follows:

1. The Government has been aware for about 18 months of the intention of SAPFOR's major owners to divest themselves of that part of their operations. Under instructions from the Minister, the Chairman of the South Australian Timber Corporation has maintained a watching brief and had discussions with a number of involved parties to ensure that the interests of the South-East industries were not disadvantaged.
2. *(a)* See 1. above.
   *(b)* See 1. above.

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### PUBLIC WORKS STANDING COMMITTEE

**The Hon. C.W. CREEDON:** I move:

That, pursuant to section 18 of the Public Works Standing Committee Act, 1927, members of this Council appointed to the Parliamentary Standing Committee on Public Works under the Public Works Standing Committee Act have leave to sit on that committee during the sittings of this Council on Wednesday and Thursday of this week.

Motion carried.

### CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Classification of Publications Act, 1973. Read a first time.

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

*That this Bill be now read a second time.*

The purpose of this Bill is to introduce a comprehensive, compulsory classification scheme for films, including video tapes and video disks, for private sale and hire, which is consistent with the decisions that have been reached by Ministers responsible for censorship at recent meetings in Melbourne and Sydney.

In November 1983, the Government introduced into Parliament a Bill proposing amendments to the classification of Publications Act, 1973, the principal purpose of which was to provide for a scheme of voluntary classification of video films which had been agreed upon by the Commonwealth Government and the Governments of all States, although Queensland had reservations on some aspects. That Bill was introduced into the Parliament following the first meeting of censorship Ministers that had been held for three years.

The Ministers, at that meeting in Brisbane in April of 1983, agreed that it was imperative that a national and uniform system for the classification of video tapes be established in order that there be a common position throughout the country, and that point of sales controls were likely to be the most effective in controlling unclassified videos. South Australia was the first Government to act to put into effect the decision of that ministerial conference. However, in the course of the debate on the Bill, it was agreed that provisions relating to the classification of video films be split from the other provisions and passed pending efforts to determine whether agreement could be reached with the Commonwealth Government and the other State Governments, on a system of compulsory, rather than voluntary, classification in the area of video films for sale or hire.

At the request of the South Australian Government, another meeting of the Ministers responsible for censorship matters was convened in Sydney in April of 1984. That meeting agreed on a system of complusory classification of video films throughout Australia. An Australian Capital Territory Ordinance was passed in June 1984 to give effect to the Commonwealth Government's involvement in this new compulsory scheme. Following the resolution of the issue of compulsory as against a voluntary system of classification, which was the principal focus of the debate when an amending Bill was introduced into the Parliament last year, the debate shifted to whether or not material should be available in the X or Restricted—Category 2 area.

The reason that debate arose was principally because of the violent content of some of the material that had been classified X by the Australian Film Censorship Board, and consequently made available in South Australia. Some decisions were over-ruled when brought to the attention of the Classification of Publications Board here, but others of course were not seen. The issue of the availability and the content of films in a category beyond R was the subject of discussions at the meetings of censorship Ministers in Melbourne and Sydney last month. This Bill gives effect to the majority decision reached by Ministers at that meeting, by providing for a category beyond R, at some time in the

future, and, by reference to the ACT Ordinance, gives effect to the new criteria including those for M and R that will be used in the classification of all films and video tapes.

The Bill therefore proposes amendments designed to fit in with the new compulsory national uniform classification scheme. Under the Bill, a classification assigned to a publication under 'a corresponding law' (which it is intended will be the Australian Capital Territory Ordinance) will be deemed to apply to publications under the Principal Act. The ACT Classification of Publications Ordinance has been accepted by other State and Territory Governments as the model for the implementation of the compulsory, national, uniform classification scheme.

Under the Australian Capital Territory Ordinance, and amendments proposed by this Bill, it will be an offence to sell, display for sale or deliver on sale, a video film unless it has been classified as a G film, a PG film, an M film, an R film or an ER film. The proposed ER class (Extra Restrictions) is a class containing material which includes specific depictions of sexual acts involving adults but which does not include any depiction suggesting non-consent or coercion of any kind. The criteria for classification as an R film is to be similar (but with less violence) to the present criteria for classification as a 'Restricted—Category 1' publication. The criteria for classification as a G, NRC (or PG) film are to correspond to the criteria for such classification under the Classification of Films for Public Exhibition Act. The criteria for an M film will allow less violence than has been the practice in recent years. Under the Bill, all video material that is available for purchase or hire by the public will be required to have marked on it the classification assigned to it under the scheme. This requirement will also extend to the material, whether containers, packages, or cassettes, that is displayed in the video outlets and upon which the public base their selection of material for home viewing.

The conditions of classification applying to R videos will prevent their sale, hire and delivery to a minor, and the exhibition to a minor, of moving pictures from such a video, unless, in either case, the person doing so is a parent or guardian of the minor, or has the authority of the parent or guardian. There are therefore two important differences between the video classifications scheme operating currently, and that provided for in the Bill. The basis of the scheme now operating in respect of videos is voluntary: that is, whilst a video may be submitted to the censorship authorities for classification, it is not compulsory to do so. The Bill alters that scheme to render it illegal to sell or hire a film, video tape or a video disc which has not been classified (regardless of the type of material depicted) or which has been refused classification.

The other major change effected to the current scheme, is the abolition of the 'Restricted—Category 2' classification for films and video tapes and the consequent banning of the sale and hire of the so-called X rated videos. The ban upon the sale and hire of what was previously called X rated material will operate as an interim measure until such time as the Government is satisfied that the new category ER to be adopted by the Commonwealth is incorporated into an ACT Ordinance. The Government will not introduce the new ER category until such time as that Ordinance is proclaimed, giving effect to the new criteria for the classification of video films in the proposed ER category. The new criteria, relating primarily to the degree of violence in the various categories, will ensure that the national, uniform classification system is in line with the position that has been adopted over recent years by the South Australian Classification of Publications Board.

In addition to making it an offence to show an R video or an ER video (when proclaimed) to a minor without parental or guardian consent, it is also made an offence for any person to exhibit to any other person a video tape which has been refused classification.

The basic elements of the Video Censorship Scheme, as it will now operate in South Australia, therefore, are as follows:

A compulsory system of classification of video tapes and video discs for sale and hire: Every video tape and every video disc that is now offered for sale or hire in South Australia will have to carry an official classification. It will be an offence to make available for hire or sale any video tape which does not carry its official classification. It will also be an offence to offer for sale or hire a video which has been refused classification. It is obvious that this compulsory system will ensure that there will be greater guidance to consumers and to parents when they are selecting material for children's viewing, and greater protection to adults to ensure that they are adequately warned of material which they would find harmful or offensive. It will also ensure that there can be more effective surveillance of the video industry and acceptance by them of a greater responsibility to ensure that all the tapes being offered for sale or hire carry the appropriate classification. Not to do so will invite prosecution.

Abolition of X rated videos: There has been considerable concern in the course of recent months about the nature of some of the material that was being permitted in what was the so-called X category. I might also say that there has been a considerable amount of misinformation about what has been available in the X category as well. The Government has been most concerned for some time that the classification of videos by the Australian Film Censorship Board and the Commonwealth Films Board of Review has been rather more lenient in the treatment of violence than has the South Australian Classification of Publications Board. This position has now, as a result of the meeting in Sydney last week, been altered, so that a balance has been reached in respect of the violence in what will be the remaining categories in this State. However, it is important to note that the majority (that is, 95 per cent of the material in what was the X category) was concerned with explicit sexual acts between consenting adults, and that only a small (5 per cent) proportion of the material contained acts of explicit violence. That material, as a result of the revision of the guidelines by the Ministers last week, will not be permitted in the proposed ER class: the only material that will be in this category will be sexually explicit activity between consenting adults—there will be no depictions suggesting non-consent or coercion of any kind.

For the time being though, the Government has decided to effectively ban the sale and hire of all this so-called X material until such time as there is a specific legislative framework within which this material can be reconsidered in regard to suitability for the ER class or permanent rejection. It is expected that the Commonwealth Government will proclaim an ACT Ordinance soon, which will nominate the criteria for the category which will be called ER and which is picked up in this Bill. The ban on material which is currently classified 'Restricted—Category 2' in South Australia and commonly called X rated will remain of course, until such time as that ordinance has been proclaimed in the ACT and the relevant sections of this Act gazetted in South Australia.

New classification category: The new classification will be one which will allow for non-violent erotic material beyond the existing R standard, but will exclude depictions of violence which had been previously accepted in the X category. In considering this proposal, the Ministers responsible for censorship had regard to the views of the Chief Censor and the fact that the largest proportion of material in the former X category was straightforward sexual erotica

which did not involve violence of any form. The new category has been proposed and is being prepared in order to:

- meet the objections of those who have voiced concern about some of the material which has been passed in the X category previously;
- recognise that adults should nonetheless be permitted a degree of freedom to purchase and hire explicit sexual material; and
- ensure the successful survival and operation of the uniform classification system, by recognising the reality of the market-place demand for certain non-violent erotic material and the desirability of not forcing that lucrative market underground.

During the debate about this new classification and the one that it will replace many people appear to have accepted the myth that the material passed in this category is exclusively of a sexually violent nature, and contains extreme materials such as 'snuff movies' and other so-called 'video nasties', such as child pornography, bestiality and extreme sexual violence. They have therefore demanded the banning of material on the grounds that it is both offensive and harmful. Arguments based on these propositions are unfounded as that sort of material has been refused classification as an X video before, and will not be available in the future.

Classification categories: The Bill provides for a range of classification categories—

G suitable for general viewing;

PG (formerly NRC), suitable for viewing by a person under the age of 15, subject to parental guidance;

M cannot be recommended for viewing by a person under the age of 15;

R for restricted exhibition (minors prohibited in theatres; minors can see it in private if a parent, guardian or person acting with authority exhibits it); and

ER for restricted exhibition—in private only. Unsuitable for viewing by a minor (minors can see it if exhibited by a parent or guardian only). To be sold or exhibited only in Restricted Publications Areas; to be delivered only to adults making a direct request; to be delivered only in plain paper wrapping. Not to be advertised except in a Restricted Publications Area or by way of material delivered at written request.

Material to be refused any classification: The Government recognises that certain material is of such a nature that it should be refused classification altogether. Classification will continue to be refused where material depicts child pornography, promotes, incites or encourages terrorism or misuse of drugs, or offends against generally accepted standards of morality, decency and propriety to such an extent that it should not be classified. It will therefore be an offence to sell, hire, deliver, advertise or exhibit such material. All videos depicting child pornography, bestiality, detailed and gratuitous acts of considerable violence and cruelty, and explicit gratuitous depictions of sexual violence against non-consenting persons are refused classification. If sold, hired or distributed, they will be the subject of prosecution.

Also to be refused classfication will be videos depicting sexual bondage, rape, sexual activity with significant violence and material which is concerned with mutilation and painful torture and other acts of gratuitous and unnecessary violence. Most terrorist material and material relating to serious drug abuse have already been accepted by the vast majority of the population as having the capacity to cause demonstrable harm. The exhibition of this material, whether in private or public, will be an offence. These provisions are complemented by the Commonwealth Customs (Prohibited Imports) Regulations, which prohibit the importation of offensive pictorial material depicting child pornography, bestiality, detailed and gratuitous depictions of considerable violence or cruelty, explicit and gratuitous depictions of sexual violence against non-consenting persons, and materials promoting or inciting terrorism or drug abuse.

Senate Select Committee of the Federal Parliament: A Senate Select Committee of the Commonwealth Parliament has been established to inquire into video censorship. That committee will report upon the operation of the ACT Classification of Publications Ordinance and regulation 4 *(a)* of the Customs (Prohibited Imports) Regulations which specify the type of material which may not be imported. In particular, the committee will report on the effectiveness of the legislation, the adequacy of the classification system as a basis for import and point of sale controls, whether children are gaining access to videos containing violent, pornographic, or otherwise obscene material, and the likely effects upon people, especially children, of exposure to violent, pornographic and otherwise obscene material and whether cinemas should be permitted to screen films which would be classified beyond R to adults.

The committee's inquiry should help relieve a number of obviously widespread misunderstandings about the present legislative arrangement and, in particular, should lead to a realisation that the present customs regulations do not 'open the floodgates' to imported videos, but replace what was, for all practical purposes, an unenforceable barrier. The new customs legislation prohibits absolutely the importation of so-called 'video nasties' including, in particular, those depicting child pornography, gratuitous sexual violence, gratuitous depictions of considerable violence, bestiality, rape, violence against non-consenting persons and material promoting or inciting terrorism and drug abuse. It is widely recognised, however, that it is impossible to screen every copy of every video tape entering the country in commercial quantities or in individual baggage or in the post. Once smuggled, they are easily copied. Video tapes can also be produced here clandestinely. There will be a black market which law enforcement bodies will try to combat as far as possible. The establishment of an ER class will drastically limit the size of the video tape black market. The model ACT Ordinance legislation bans outright the sale and hire of video nasties of any kind denied entry into Australia.

Conclusion: The Bill implements a comprehensive classification scheme for films and video tapes, which takes into account continuing community concern about the violent nature of some material and the possible harmful effects on children. After preliminary consideration at officer level in Sydney, all doubtful videos which have been classified this year will now be revised by the Commonwealth Film Board of Review, to ensure that the films should not be refused classification, or reallocated, consistent with the new guidelines accepted by the Commonwealth and State Ministers meeting last week. It will obviously be uneconomic if not virtually impossible to repeat the entire first nine months work *in toto*.

The Bill is a result of the continuing co-operative effort between the Commonwealth and the States to establish a viable national uniform classification scheme, and to have it in operation as soon as possible. Even those States (Queensland and Tasmania) which have signified non-acceptance of an ER class at present will benefit greatly from the new uniform standards for G, PG, M and R films. I should also mention that the Victorian Government has passed similar legislation through its Parliament. We are still waiting to hear the attitude of the New South Wales and Western Australian Governments. The Bill is an illustration of the Government's commitment to a national uniform scheme.

The Bill also attempts to arrive at a proper balance between the rights of adults to read and view what they wish, and

the understandable abhorrence that the community has of some depictions of violence, sexual violence, and the possible effects that this might have on the behavioural patterns of some individuals and, in particular, the effects on children. In any debate about censorship, there are important issues of principle that have to be addressed—the rights of the individual to freedom of thought and action, provided always that that action does not harm others or the community; the right of people to be free from exposure to material that they consider to be offensive; the rights of children to be protected from material which would be harmful to their social, emotional, intellectual and moral development. The question before the Government, therefore, has been one of finding a proper balance between these different and competing principles.

The Bill gives immediate effect to the apparent community desire for a compulsory system, and for a toughening of the criteria applying to the depiction of violence, in recognition of the harmful effects that this may have on children (or some adults) while leaving open for adults the choice to avail themselves of non-violent, erotic material. I commend the Bill to the Council and 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 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 4 of the principal Act which provides definitions of expressions used in the Act. The clause inserts a new definition of 'film', which limits the term to films, video-tapes and other optical or electronic records from which moving pictures may be produced. The definition is for convenience extended to include a container, package or wrapping that is designed or used to hold such a film and that includes written or pictorial matter relating to such a film. The clause amends various definitions where necessary to reflect the change from classification of films as category 1 or category 2 restricted publications to R films or ER films. The clause also provides for references to the designation ER to be read as references to some other designation if regulations are made substituting the other designation.

Clause 4 amends section 12 of the principal Act which sets out the criteria for classification of publications. The present wording includes a passage referring to the suitability of a publication for perusal by a minor. The clause alters this wording so that it refers to suitability of a publication for perusal or viewing by a minor—'viewing' being the more appropriate word in the context of moving pictures. Clause 5 amends section 13 of the principal Act which provides for the classification of publications by the Board. The amendments provide for the change to classification of films as R films or ER films, rather than, as at present, category 1 restricted publications or category 2 restricted publications. However, under the clause, films are not to be classified ER until a date to be fixed by regulation. That is, films that the Board considers should be classified R or ER are to be classified R but only if they are suitable for that classification. The clause also inserts criteria for the classification of films as G, PG or M films. Under the clause, a film is to be classified as G where it is considered to be suitable for general viewing; a film is to be classified as M where it is considered that it should only be viewed by a person under the age of 15 years with the guidance of a parent or guardian of the person; and a film is to be classified as M where it is considered that the film cannot be recommended for viewing by persons under the age of 15 years.

Clause 6 provides for the repeal of section 14 which sets out the conditions that attach to publications classified as category 1 or category 2 restricted publications. The clause substitutes for the section two new provisions. The proposed new section 14 provides at subclause (1) that, where a classification is assigned to a publication (a term which includes films) under a corresponding law, the publication shall be deemed to have been assigned a corresponding classification under the principal Act. 'Corresponding law' is defined by subclause (5) to mean a law of another State or Territory declared by regulation to be a corresponding law. Subclause (2) provides that a publication, being a container, package or wrapping that is designed or used to hold a film and that includes written or pictorial matter relating to the film shall be deemed to have been assigned the same classification as the classification (if any) assigned to the film. Subclause (3) provides that the deeming provisions of subclauses (1) and (2) do not apply to a publication if a different classification has been or is assigned to the publication under the principal Act. Subclause (4) provides that, where a publication that is classified is altered otherwise than in a manner authorised by regulations made for the purposes of the subclause, the altered publication shall, unless the same or some other classification is assigned to the publication, be deemed to be unclassified. Proposed new section 14a sets out the conditions that are to apply to category 1 and category 2 restricted publications and to R and ER films. The following conditions are to apply to every category 1 restricted publication:

*(a)* a condition that the publication shall not be sold or delivered to a minor (otherwise than by a parent or guardian, or person acting with the written authority of a parent or guardian, of the minor);

*(b)* a condition that the publication shall not be displayed in a place to which the public has access (not being a restricted publications area) unless the publication is contained in a sealed package.

The following conditions are to apply to every R film:

*(a)* a condition that the film shall not be sold or delivered to a minor (otherwise than by a parent or guardian, or a person acting with the written authority of a parent or guardian, of the minor);

*(b)* a condition that images from the film shall not be exhibited to a minor (otherwise than by a parent or guardian, or a person acting with the authority of a parent or guardian, of the minor).

The following conditions are to apply to every category 2 restricted publication and every ER film:

*(a)* a condition that the publication or film shall not be sold, displayed, delivered or exhibited to a minor (otherwise than by a parent or guardian of the minor);

*(b)* a condition that the publication or film shall not be—

(i) sold, displayed or delivered on sale; or

(ii) exhibited in a place to which the public has access,

unless the sale, display, delivery or exhibition takes place in a restricted publications area;

*(c)* a condition that the publication or film shall not be delivered to a person who has not made a direct request for the publication or film;

*(d)* a condition that the publication or film shall not be delivered to a person unless wrapped or contained in plain opaque material;

*(e)* a condition that the publication or film shall not be advertised except—

(i) in a restricted publications area;
(ii) in another category 2 restricted publication or ER film;
(iii) by way of printed or written material delivered to a person at the written request of the person.

It should be noted for the purposes of understanding the scope of these conditions that, by virtue of definitions contained in section 4, 'sale' includes, *inter alia*, hiring but does not extend to sale otherwise than by retail; 'display' is limited to display on sale; while 'film', as mentioned above, is now limited to film from which moving pictures may be produced.

Clauses 7 and 8 make amendments that are consequential on the proposed new section 14 (1) and (2). Clause 9 inserts in section 18 of the principal Act (which sets out the offences under the Act) three new offences. Proposed new section 18 (3) provides that it shall be an offence punishable by a fine of $5 000 or imprisonment for three months if a person sells, displays or delivers on sale a film that has not been classified under the Act. Proposed new section 18 (4) provides that it shall be an offence punishable by a fine of $2 000 if a person sells, displays or delivers on sale a publication that is classified under the Act unless the publication or any package, container, wrapping or casing for the publication complies with the regulations relating to the marking of such publication, package, container, wrapping or casing.

Proposed new subsection (7) provides that it shall be an offence punishable by a fine of $5 000 or imprisonemnt for three months if a person exhibits images from a prescribed film to another person; by means of any process copies the whole or any part of a prescribed film; or before the prescribed day (as referred to in proposed new section 13 (1) *(a)*) by any process copies the whole or part of a film classified under a corresponding law otherwise than as G, PG, M or R film. 'Prescribed film' is defined to mean a film refused classification under the principal Act or a corresponding law. Clause 10 amends section 20 of the principal Act which protects a person from prosecution for an offence against section 33 of the Police Offences Act or for any other offence relating to indecency or obscenity in relation to the production, sale, distribution, delivery, display or exhibition of a publication if the publication has been or is subsequently classified as suitable for unrestricted distribution or if conditions imposed under the Act have bene complied with. The clause makes an amendment to this section consequential on the introduction of the classifications of G, PG and M in relation to films. The clause also extends the meaning of 'sale' for the purposes of the section so that the protection it affords extends to sale othewise than by retail. Clause 11 makes a consequential amendment to section 22, the regulation-making section.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## SELECT COMMITTEE ON ST JOHN AMBULANCE SERVICE IN SOUTH AUSTRALIA

**The Hon. J.R. CORNWALL (Minister of Health):** I move:

That the time for bringing up the report of the Select Committee be extended until Wednesday 5 December 1984.

Motion carried.

## SELECT COMMITTEE ON REVIEW OF THE OPERATION OF RANDOM BREATH TESTING IN SOUTH AUSTRALIA

**The Hon. G.L. BRUCE:** I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 2 April 1985.

Motion carried.

## SELECT COMMITTEE ON TAXI-CAB INDUSTRY IN SOUTH AUSTRALIA

**The Hon. BARBARA WIESE:** I move:

That the time for bringing up the report of the Select Committee be extended until Thursday 6 December 1984.

Motion carried.

## SELECT COMMITTEE ON BUSHFIRES IN SOUTH AUSTRALIA

**The Hon. BARBARA WIESE:** I move:

That the time for bringing up the report of the Select Committee be extended until Thursday 6 December 1984.

Motion carried.

## VALUATION OF LAND ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1577.)

**The Hon. K.T. GRIFFIN:** The Opposition supports the Bill. It largely reflects initiatives which were taken by the Hon. Peter Arnold when he was Minister of Lands and which were designed to introduce a less formal mechanism for appealing against the valuation of real property for whatever purpose. When he was Minister, the Hon. Peter Arnold became aware of concern amongst members of the community that the only avenue of appeal against what they regarded as an excessive valuation of their land was to make an objection to the Supreme Court in the Land and Valuation Division. Although the procedures in that court are relatively informal and can be conducted by ordinary citizens without legal representation, there is no doubt that many in the community feel that the Supreme Court has such status as to warrant appearance only through a legal practitioner, and many people are overawed by the prospect of appearing before the Supreme Court.

Notwithstanding that I am a lawyer and have perhaps a greater familiarity with the courts than ordinary citizens, I can understand how many of them would perhaps feel intimidated by an application to the Supreme Court, particularly if they had to undertake it on their own and because of the potential costs involved. There are many valuations against which an ordinary citizen may wish to object where the amount of the valuation is not such as would warrant the expenditure of thousands of dollars in legal fees incurred in appearing before the Supreme Court. For most home owners only several thousands of dollars may be involved in the valuation, which may mean only $20, $30 or $100 in council or water rates. Nevertheless, for them that is significant; but the cost of retaining a lawyer and going to the Supreme Court in their view is prohibitive.

The less formal procedures, and I hope less intimidating procedures envisaged by this Bill, building on what the Liberal Government proposed, might be more appropriate. The mechanism for appeals or objections under this Bill allow a panel of licensed valuers to be established and for an objection to be taken to a valuation and to be heard by a licensed valuer selected from the panel in accordance with a mechanism for selection provided in regulations. The licensed valuer must be nominated by the Real Estate Institute of South Australia or the Australian Institute of Valuers and have experience in valuing land in the region in relation to which the panel is established. Obviously what is envisaged is that there will be regional panels of valuers appointed by the Governor for periods of three years in order to hear these less formal objections to valuations. The Governor

may for proper cause remove a licensed valuer from a panel. I expect that 'proper cause' means for some form of misconduct, misbehaviour or something which goes to the qualifications or impartiality of a particular valuer. Perhaps the Minister could address that question when replying, and I refer to clause 7.

A similar Bill was introduced in an earlier session, but the difficulty was that there was no right for an objector to appear through a legal practitioner, if that was desired. Notwithstanding the cost of doing that in some cases, I think that a citizen should have an opportunity to appear through legal counsel, particularly in the context of appearing before a valuation tribunal, such as that established by the Bill, where the Valuer-General has the opportunity to bring specialist personnel before the tribunal to be matched against the objection of a citizen. In the interests of balancing the power of the Government against the rights of a citizen, I think it is important for any person to have an opportunity to represent an objector, and that person may be a legal practitioner. I am pleased to see that this Bill does allow for that representation.

From memory, the other difficulty with the previous Bill was that there was at least a possibility that an objection taken before the informal tribunal would extinguish rights of appeal to the Supreme Court. I am pleased that that has now been addressed and that the rights of appeal from the valuation review mechanism extend to the Supreme Court. It may be that it is appropriate for a dissatisfied objector to appeal to the Supreme Court, particularly if it could be regarded as a test case.

The other matter to which I direct some comment is the saving provision under proposed section 25d, where if an objection is upheld and the value is reduced there is an obligation on the taxing authority or rating authority to refund the amount of any rates or taxes paid in excess of the amount that might have been lawfully recovered on the basis of the altered valuation.

I am not aware that there is any provision for interest to be paid on a refund. In some circumstances where a governmental or semi governmental authority is required to make a refund there is provision for the payment of interest, particularly under the now repealed Succession Duties Act. While the amount of interest may not be substantial in the cases to which this Bill is addressed, could the Minister indicate whether it is proposed in the circumstances of a refund being due that interest will be payable?

There is one other relatively minor point—but it is worth raising—in relation to proposed section 25b (4) where the licensed valuer who is chosen to conduct a review is to be selected from the appropriate panel in accordance with the regulations. I presume that the regulations will contain a mechanism for establishing a roster basis or some other formal basis for the selection of a valuer. Of course, in the absence of such a provision in the regulations there is the potential for a selection to be made which might be at least questioned because of the nature of the objection. I hope that the Minister can give us some assurance that a mechanism will be established so that the opportunity for bias, or at least a suggestion of bias, is eliminated in the selection of an appropriate valuer from a panel to conduct a review. Apart from those matters the Opposition is pleased to support the Bill, because it is a worthwhile amendment to the law giving additional rights to citizens who claim to be unduly and unfairly treated under the laws relating to the valuation of land.

**The Hon. C.M. HILL:** I speak to this measure because of a long-standing interest in the valuing profession. The Hon. Mr Griffin indicated that the Opposition supports the measure, and I do so wholeheartedly. In these days of greatly increased assessments there are many instances where the ordinary citizen is shocked when he receives the Valuer-General's new assessment on his property. The question, therefore, of querying that figure, and in many cases lodging an appeal against such a new assessment, has been uppermost in the minds of many people, but, as the legislation stands at present, the possibility of appeals has meant that very expensive procedures might be incurred, since appeals eventually go to the Supreme Court and there quite understandably legal representation and expert witnesses incur considerable expense.

This concept in the Bill, however, alters all that. I take the opportunity to commend the Minister in the former Government (Hon. Peter Arnold), who drew up proposed legislation along the lines that are in this Bill. There are one or two changes of a minor nature, but the Hon. Peter Arnold tried to bring down the new concept. Now, we have before us a Bill that is the second attempt by the present Government to introduce similar welcome change. It simply means, as the Hon. Mr Griffin explained, that a citizen may go before a valuer and argue his case for a reappraisal of an assessment. That licensed valuer would be one of a panel that will be established by the Valuer-General from names from the two institutes that are involved in this area, namely, the Real Estate Institute of South Australia and the Australian Institute of Valuers Incorporated.

There will be various panels for various regions of the State. That is understandable because valuers who know their values well in certain regions such as rural areas are not expert in valuation of, say, urban or city property. So, from these panels these valuers will act as tribunals, in effect, and a citizen may appeal to such a valuer for a reassessment.

I am a little sorry that the measure has reintroduced the possibility of legal representation for such an appellant, but certainly I am not opposing that. I make that point only because the expense of legal representation worries and concerns the ordinary citizen and, in some cases, the prospect of such expense might cause a citizen to decide not to appeal. It is unjust if that situation occurs. However, I understand that in the other place the Hon. Peter Arnold was given an assurance that if an appellant was not represented by a solicitor the Valuer-General would not be represented by a legal party. That is quite fair if it occurs; so, under the provisions of this Bill, an appellant need not put himself or herself to such expense, and the appellant can be assured that he or she will not have to face the worry of cross-examination or discussion by a legal representative of the Valuer-General. In other words, the more informal and the more inexpensive the matter can be kept, the better for the ordinary citizen, whom Parliament is certainly endeavouring to help by this measure. I hope that the machinery proves to be very successful and that some people will benefit when it has been found by the valuer who is acting as the tribunal that the Valuer-General's valuations of the subject property are too high.

I notice in the Bill that if the variation by the tribunal is less than 10 per cent of the assessment that matter will not alter the Valuer-General's figure. So, in the main, the problems that will be sorted out will be where, perhaps, the Valuer-General has made an error that somehow or other has occurred in the system. We must admit that despite the efficiency of the Valuer-General's Department there is always a possibility of such errors occurring.

If the new assessment by the tribunal reduces the valuation below that 10 per cent margin the fee that the appellant has to pay initially when he lodges his application will be refunded to the citizen who is appealing. That is very fair and just. Accordingly, I give the Bill my strong support.

**The Hon. J.R. CORNWALL (Minister of Health):** I thank the honourable members for their contributions and apparent co-operation. Three specific problems were raised by the Hon. Mr Griffin: one referred to clause 7, another specifically to new section 25b(4), and the third related to new section 25d and the question of interest. Obviously, I do not have adequate answers to those queries immediately available, but I certainly undertake to obtain written replies expeditiously. I suggest that it should not be necessary to hold up the passage of the Bill in view of the support that has been offered by the Opposition, but I repeat that I give an undertaking to obtain those replies quickly and to supply them in writing.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—'Insertion of new Divisions II, III and IV.'

**The Hon. K.T. GRIFFIN:** I accept the offer of the Minister of Health in relation to replies to the questions I raised. If those replies raise questions that require further consideration, there will be an opportunity to do that later, not necessarily in the context of this Bill but perhaps by additional amending Bills to pick up the matters. The matter of greatest concern is new section 25d in relation to interest, but it may also be that the principal Act already contains provision for payment of interest where an objection is taken to the Land and Valuation Division. However, because they are not matters of major importance I am prepared to agree to the Bill being passed with a view to receiving responses in writing from the Minister as soon as possible.

Clause passed.

Clause 8, schedule and title passed.

Bill read a third time and passed.

## STATE LOTTERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 October. Page 1576.)

**The Hon. L.H. DAVIS:** I wish to indicate the Opposition's support for this Bill, which will allow the Lotteries Commission to conduct sports lotteries. There have been a series of amendments to the Lotteries Act over the years reflecting the changing attitude of society towards gambling and the changing preferences for the various forms of gambling available through the Lotteries Commission. It is interesting to reflect that the original lottery as conceived (whether a $1, $2, $5, $10 or $20 lottery) has fallen from grace and in fact last year the Lotteries Commission conducted its last $20 lottery: I understand on good authority that that took six months to fill. In lieu of the traditional lottery a weekly sweepstake has been introduced.

In the 1983-84 financial year the Lotteries Commission income increased by 27.5 per cent, an increase from $60 million to $76.4 million. It is interesting to note that of that total income of $76.4 million 58 per cent or $45 million was derived from X Lotto, 32.8 per cent from the Instant Money game (which was introduced six years ago) and only 8.7 per cent from the traditional lottery. It is pleasing to note that 32.4 per cent of the total income of $76.4 million went by way of surplus to the Hospitals Fund, and so in fiscal 1984 the Hospitals Fund received $24.8 million, a sum well in advance of the $19.2 million received in 1983.

Whilst it is understood that some people have severe reservations about gambling and the social effects of gambling, nevertheless gambling is undoubtedly accepted by the majority of people in the community and the fact that some benefit flows through to the Hospitals Fund is some small consolation for those who have reservations about this matter. However, the amendments to the Act that are now before us propose to give the Commission the authority to run sports lotteries. This was an election promise of the Government: that is readily conceded. The Bill provides that the Commission has the authority to establish the rules under which the sports lotteries will operate, and the Treasurer has the power to regulate the total value of prizes. In another place concern was expressed quite properly about the possible impact of sports lotteries on sporting and community groups which rely on the small lotteries that they run under a general licence to raise valuable funds so that they can operate effectively.

I appreciate the need for flexibility in running sports lotteries and I appreciate that the Treasurer must have discretion to judge to what extent he can run a sports lottery without impinging on other lotteries or on the sporting and community groups which rely on small lotteries as a form of fundraising. The Minister of Recreation and Sport in another place intimated that initially a $4 lottery may be the most appropriate form of sports lottery. I accept that there is growing support in the community for the Commonwealth and State Governments to give athletes with superior skills every opportunity to fully develop those skills, and the institute that was established at the initiative of the previous Liberal Government was an action that recognised this fact. We are pleased to note that the Sports Institute continues to flourish and, of course, South Australian athletes made many fine contributions at the recent Olympic Games, some of those athletes directly benefiting from that initiative of the Fraser Government and the Tonkin Government. One would hope that the Government recognises, in introducing such legislation, that it is providing assistance not only for superior athletes but also for the community at large through upgrading or building sporting facilities that will benefit the whole community.

The net proceeds of these sports lotteries will be paid into the Recreation and Sport Fund, which was established pursuant to the provisions of the Soccer Pools legislation, and it is to be hoped that the Government will use this money properly—that it will not use the additional money flowing into the Recreation and Sport Fund to offset its budgetary contribution to recreation and sport.

Another provision contained in the legislation is that the Commission, in future, will be allowed to retain unclaimed prizes after a period of 12 months. The practice at the moment is that unclaimed prizes go to the Hospitals Fund. I understand that a six-month limit is contained in the legislation so that prizes not claimed within that period should go to the Hospitals Fund. In practice that is not followed, so the 12-month period seems a not unreasonable time to allow people to claim a prize that they may have gained in a lottery.

I was reassured by the second reading explanation of the Minister to note the fact that the Commission retaining unclaimed prizes which can be offered as prizes at a later date will in no way disadvantage the Hospitals Fund. So, the Opposition supports the principle of establishing a sports lottery. It recognises the need to encourage superior athletes to maximise the skills that they have and, at the same time, to enable the general public to benefit from the provision of adequate sporting facilities. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—'Repeal of s. 18 and insertion of new sections.'

**The Hon. R.I. LUCAS:** I move:

Page 5, lines 33 to 35—Leave out subclause (3) and insert subclause as follows:

(3) The Minister shall cause a copy of a report furnished to him under subsection (1) to be laid before each House of

> Parliament within fourteen sitting days of his receipt of the report if Parliament is then in session, but if Parliament is not then in session, within fourteen days of the commencement of the next session of Parliament.

I wish to make a few brief comments, first, in relation to new section 18b (1). It is good to see that the Government is proposing that the annual report of the Lotteries Commission shall be delivered in September, that is, three months after the end of the financial year. As I have indicated in previous debates, that is the most common reporting provision. We recently passed such a provision in respect to the Commissioner for the Ageing Bill. However, we did have a substantive disagreement between Government and Opposition with respect to the Commissioner for Equal Opportunity Bill as the Government wished to provide a six-month reporting provision (31 December) as opposed to what I thought was a more reasonable provision, namely, the end of September. With the Democrats' support the Government won the day.

I support the intent of the Government's new section 18b (1) which limits it to September and I am sure that the Government would agree, as does the Opposition, that the Lotteries Commission will have no major problems in presenting reports within that three-month period. My amendment is with respect to the second part of the annual reporting provision—in effect, new section 18b (3). It relates to when the Minister must table the report in the Parliament, having received it from the Lotteries Commission. The proposed Bill indicates that the Minister shall, as soon as practicable after the receipt of the report, table it before each House of Parliament. The intent of my amendment—the same amendment that I moved in connection with the Commissioner for the Ageing and the Commissioner for Equal Opportunity Bills—is to provide a statutory maximum period of 14 sitting days within which the Minister must table the Lotteries Commission report. I will not go over the reasons for it at length. My reason is to place a statutory maximum period so that the Minister of whatever Government cannot for any reason delay the tabling of a Lotteries Commission report within the Parliament.

The only other matter I wish to refer to is that the present State Lotteries Act, under section 15, provides a slightly different annual reporting provision in that the report basically is the report of the Auditor-General. Nevertheless, the time requirement placed upon the tabling of the report under section 15 (5) is as follows:

> The Minister shall cause every report of the Auditor-General made in accordance with subsection (2) of this section to be tabled in each House of Parliament within fourteen days after it is received by the Minister, if Parliament is then in session . . .

The term 'fourteen days' is used although my amendment uses 'fourteen sitting days', which is more flexible than the existing provision. Nevertheless, the point of reference to the parent Act is that there is already a statutory maximum period on the report and I believe that the amendment ought to follow through that principle. That is the intent of my amendment.

**The Hon. J.R. CORNWALL:** As honourable members would appreciate, I have not had the chance to confer directly with my colleague the Minister of Recreation and Sport on this matter. However, I cannot believe that the amendment is the sort of thing of which conferences of managers are made. On behalf of the Government at this time I have no difficulty accepting it. If, for some reason which is certainly not obvious to me at the moment, there is any wish to vary that one way or another, we reserve the right for the House of Assembly to take the appropriate action. As far as I can see, it is an entirely reasonable amendment and I accept it.

Amendment carried; clause as amended passed.

Remaining clauses (14 to 16) and title passed.
Bill read a third time and passed.

## ARTIFICIAL BREEDING ACT (REPEAL) BILL

Adjourned debate on second reading.
(Continued from 31 October. Page 1628.)

**The Hon. PETER DUNN:** In supporting this Bill I agree with what was said by the Minister during his second reading explanation. However, perhaps I should outline a few of the reasons why the report was developed because I believe that this Bill epitomises what Governments are about—that is, the setting up of organisations that can assist groups or individuals, provide back-up services and then, when the time is right, get out and let private enterprise carry on. Development of the artificial insemination industry began in earnest in the early 1950s. It proved to be a great boon to the dairy industry because it was that industry that had to deal with the most dangerous animals.

In the early 1950s the majority of dairy cattle in this State were Jersey cattle, and the Jersey bull had a propensity for being unreliable, so that, if a dairyman could do without that animal on his property, he was a long way in front. The handling of such bulls was difficult, because they were not to be trusted. They required substantial fencing and different feeding from the rest of the herd. Apart from that, there were mechanical problems with the transmission of diseases such as brucellosis and other venereal diseases. Another problem was the cost of selecting these animals. Quite often the animals could not be herd tested because by the time that was done the animal was so old that it was used for only a short time.

Artificial insemination allows the use of proven high grade genetic material. The material for which the animals are selected is highly heritable, that is, milk production and butter fat content. The Act to be repealed set up an organisation to handle the development of an industry that did away with the use of bulls. It also allowed the dairy industry to regulate its milk production so that farmers could have time off for holiday. If, for instance, a farmer had 100 cows he could artificially inseminate a large number of them over a short period and then give himself a month's holiday each year. There were many advantages in not running live bulls on a farm, and the use of artificial insemination has been of great benefit to property owners. The Government set up a scheme of assistance for the development of the industry. It provided some bulls, as well as veterinary assistance and a method of training local dairymen to artificially inseminate cows.

These matters are now well down the track and private enterprise can now carry out artificial insemination programmes through its co-operatives. Nearly every dairy in this State uses this programme. There is, therefore, no longer any necessity for this Act because the Northfield area is no longer required. I have spoken at length with members of the Dairymen's Association, which supports the repeal of this Act. It is interesting to note that the Act started from nothing, grew, and is now no longer of use. I support its repeal.

**The Hon. R.I. LUCAS:** I support the Bill. It is pleasing to see a QUANGO bite the dust. We are too often confronted in this Chamber with a situation where a new statutory authority, or QUANGO, is being established by Governments of either political persuasion. When undertaking research into QUANGOS in South Australia (research that I am continuing) I was interested to note when I looked at the Artificial Breeding Board, which is a statutory corpo-

ration, that that Board had not provided an annual report since 1977 or 1978, yet the relevant section of the Act, section 21, says that the Board shall as early as convenient after the end of each financial year furnish the Minister with a report on the work of the Board during that year, and that the report shall as soon as practicable after receipt thereof be laid before both Houses of Parliament.

I have explored the records of this Chamber, and having found that this QUANGO had not complied with that provision for seven or eight years, I suspected that not much activity was being undertaken by it; so it is pleasing to see that at last it will be wound up. I think that this is a further argument for having a Parliamentary oversight committee comprising members of this Chamber, established along the lines of the Senate Committee on Finance and Government Operations, commonly referred to as the Rae Committee. That committee would be responsible for the oversight of the activities, and the accountability of QUANGOS in South Australia. I feel sure that if we had such a properly operative statutory authorities review committee operating in this Chamber we could well have been able to wind up this QUANGO much earlier than the year 1984.

Such a Standing Committee, if it had not received the annual report of the Artificial Breeding Board within the appropriate time, would have undertaken investigations as to why that Board had not reported annually, as required by Statute. It would then have established for itself that there was no good purpose to be served in maintaining that Board, as the Hon. Mr Dunn has pointed out, and it could have recommended the winding up of this QUANGO at a much earlier time. I therefore support the Bill with much pleasure.

**The Hon. FRANK BLEVINS (Minister of Agriculture):** I thank the Hon. Mr Dunn, who handled this Bill for the Opposition, for his remarks and for the brief and well presented history of this industry and the antecedents of this Bill. The Hon. Mr Lucas, on his hobby horse of commenting on QUANGOS (whether on their establishment or their abolition), made a few relevant remarks. I can only say that the Government is delighted to have brought a slight smile to his face with this measure. It was suggested to me that he was quite happy to see this Bill given 'the bull's rush'.

**The Hon. R.I. Lucas:** I didn't say that.

**The Hon. FRANK BLEVINS:** I just toss in that quote and use it without any acknowledgement whatever of its source. At least it cheered up the Hon. Mr Lucas, however fleetingly, and for that I am thankful.

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

## CORRECTIONAL SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1174.)

**The Hon. K.T. GRIFFIN:** A number of issues raised by this Bill have to some extent been dealt with in amendments to the Prisons Act, both in November and December last year, and most recently in some amendments necessary to the Prisons Act to overcome technical problems that the Government has experienced in implementing its new parole system. Notwithstanding that, I want to use this Bill as an opportunity to repeat the position of the Liberal Party with respect to a number of issues that the legislation addresses.

While we will not be voting against the second reading, we hope in Committee to be able to move a substantial number of amendments to reflect the policy that the Liberal Party believes is more appropriate in the area of prisons than that with which this Government is persisting and has been persisting since November and December 1983.

Let me refer first to the question of visiting tribunals. Under the Correctional Services Act, which incidentally has not yet been proclaimed and which was enacted in April 1982, we see that the visiting tribunals are established under section 17, which provides that there shall be established for each correctional institution such number of visiting tribunals as the Minister thinks necessary or desirable. That section provides that any magistrate appointed by the Governor, by proclamation, shall constitute a visiting tribunal for the correctional institution specified in the proclamation. Where there is more than one visiting tribunal to be established for a particular correctional institution, then the Governor may, by proclamation, appoint two justices of the peace to be a visiting tribunal for that institution.

The concept of the Correctional Services Act, 1982, passed when the Liberal Government was in office was that a significant amount of the work then entrusted to visiting tribunals comprising justices of the peace, or one justice of the peace, ought, in fact, to be undertaken by a magistrate. We were of the view that that was a mechanism which could be implemented without a substantial increase in costs and which would overcome many of the criticisms made from time to time of justices of the peace sitting as visiting tribunals, reflected in several Supreme Court cases that have been taken over the past two or three years where there has been some criticism by the Supreme Court of such tribunals, principally on the basis of a denial of natural justice.

That is not to be taken as a general criticism of justices of the peace in the role they play as visiting justices under the Prisons Act. They do a tremendous job, both in that context and in our courts generally, and it is to be acknowledged that without them Governments would be faced with a much more difficult task in arranging a substantial number of magistrates to undertake the functions that they now perform. The Liberal Government's initiative to transfer a greater responsibility to magistrates as a visiting tribunal was prompted by criticisms from members of the Labor Party—particularly in the context of a series of disturbances within the prisons leading up to the establishment of the Prisons Royal Commission by the Liberal Government in October 1980.

Honourable members will recall that there were a number of allegations made, particularly by prisoners but supported by the then member for Elizabeth (Hon. Peter Duncan) and some of his colleagues, that there had been abuses of the system and that there ought to be substantial changes within the system to accommodate the grievances of prisoners. In fact, the Mitchell Committee made a recommendation back in 1974, I think, that visiting tribunals ought to be comprised of magistrates. That was the origin for the Liberal Government's proposals that are now contained in the Correctional Services Act.

As a result of the report of the Royal Commissioner into prisons we endeavoured to distinguish between, on the one hand, those charges which related to breaches of prison discipline and which would not have any impact on the length of time which a prisoner spent in the prison system, but would relate to removal of amenities and some benefits and, on the other hand, those offences which would normally be regarded as breaches of the law and which ordinarily would be tried in the courts of summary jurisdiction. We were trying to focus upon a division of responsibility between magistrates and justices of the peace in so far as any deprivation of liberty ought to be the responsibility of a visiting magistrate rather than visiting justices of the peace.

Notwithstanding that initiative and the criticisms that we faced in Government from members of the Labor Party, it is interesting to note that the present Government is reverting to a system where justices of the peace will carry a much heavier responsibility within the prison system as visiting justices comprising a visiting tribunal. It is interesting to note that the concept of a visiting tribunal having the responsibility for regular inspections of the prison system is to be changed to a system where justices of the peace may be appointed by the Minister for the purpose of carrying out a particular inspection. I have some concerns about that, but I am not proposing to move any amendments to revert to the position of a magistrate doing all of the tasks that we believed were appropriate for him.

It is really a matter for the Government of the day to make its decision as to what it believes it can reasonably cope with. In terms of expense, if it believes that the magistracy is too expensive to involve in the visiting justice system, it will have to carry the responsibility for that, and it must also carry the responsibility for the decision. That means that fewer magistrates will be involved in the prison system, in prison discipline and in offences committed against prison regulations and the Act than were envisaged by the Liberal Government when it brought in its correctional services legislation. I make the point merely that the Government will have to carry the consequences for the decision to revert to using justices of the peace. I will watch with interest the way in which that policy is implemented.

In respect of inspectors, I am concerned that the Bill provides that the Minister is to appoint inspectors to correctional institutions. It should be remembered that the visiting tribunals were appointed by the Governor. This means that the whole of the Government had responsibility for the appointment of magistrates to particular institutions. It could not in any way significantly influence the appointment of a magistrate because a magistrate was appointed on the recommendation of the Chief Justice. In this case inspectors who are justices of the peace are appointed by the Minister with no other imprimatur required.

I suggest that that leaves the way open for some less than satisfactory mechanism for the appointment of justices to the position of inspector. I hope that some consideration is given by the Minister and the Government to a mechanism of appointment of justices as visiting justices to particular institutions by the Governor by proclamation, as visiting magistrates would have been appointed for that purpose. I know that it introduces some additional paper work, but I think that that proposal would tend to remove any suggestion of undue influence in the appointment of justices as inspectors for that purpose.

The Bill does not appear to provide for any fixed term of appointment for inspectors, so it is possible for inspectors to be moved around the system without very much notice and without any significant formality. That, too, may lead to a suggestion of undue influence on the appointment of certain justices as inspectors to particular institutions.

The other matter which is interesting to note is that the visiting tribunals which the Liberal Government envisaged would act as inspectors of correctional institutions could seek the assistance of an officer of the Attorney-General's Office. That was designed to accommodate the recommendations of the Royal Commissioner into prisons. He believed there should be some legally trained officer available to the visiting tribunal in the course of either its activities as a quasi judicial tribunal or in undertaking its tasks as an inspector of a particular correctional institution. I notice that that is not included in this Bill. In fact, the amendment removes that provision.

I believe it is important to have some independent trained legal person available to a visiting tribunal, whether it is sitting as a quasi judicial body or as an inspector. Justices of the peace must be able to turn to someone for guidance as to the way they interpret a particular provision of the law that they are administering. If the Minister is not aware of this, reference to his officers will quickly ascertain that there have been complaints from time to time, even up to the Supreme Court of South Australia. This clearly indicates that justices of the peace have made decisions without adequate guidance from independent legally trained persons.

The object of having an officer from the Attorney-General's Office, an independent office charged with the administration of justice, was seen to be a useful addition to the resources available to visiting justices of the peace. Again, I would like the Minister to consider including that. If that is not included, visiting justices of the peace will have only the superintendent or manager (as the Bill suggests they will now be called) to turn to—persons who have a conflict of interest—in either inspections or the conduct of proceedings by a visiting tribunal. That will only add to problems within the prison system. If they can be eliminated by justices being able to draw upon a person designated by the Attorney-General within his office or the Crown Law Office as a person available to give independent assistance to the visiting justices, I think that would avoid potential problems. I believe it will also reassure justices of support from within the Government for the difficult task they have to perform.

They are the two matters of immediate concern which I would like the Minister to address, and the broad general concern about the change back from magistrates as visiting justices to a much heavier emphasis on justices of the peace. That concern is based upon the concern expressed by the Royal Commission in 1981 and the experience which has been reflected in several cases before the Supreme Court relating to visiting justices.

The next matter to which I refer relates to conditional release. (These matters are not necessarily in any order of priority; nevertheless they are matters of concern.) The Bill seeks to remove any concept of conditional release. I know that that has been achieved with the support of the Australian Democrats in relation to the Prisons Act. I opposed it then and I oppose it again in this Bill. Conditional release is a concept whereby offenders sentenced to a particular term of imprisonment are under some sort of scrutiny until that term of imprisonment is completed either within a correctional institution or on parole. Even within the Government's automatic release system, which I do not support and to which I will be addressing remarks later, there would be no absolute freedom (if conditional release applied) until the term for which an offender is sentenced has expired.

If that offender commits an offence during the period either on parole or after parole, until the term of the imprisonment has expired there is a liability for the prisoner to be brought before the court to serve the balance of the term. The Government's parole legislation provides that for a breach of a parole condition—and they are very minor conditions—the maximum period of further imprisonment that can be served is three months; that is not adequate. If somebody is sentenced to, say, 12 years imprisonment, is given a non-parole period of six years, is released automatically after four years, taking into account remission for good behaviour for the balance of the term of imprisonment, that person at least ought to be under the threat of recommittal to a correctional institution if there is an offence—not just a minor traffic offence or something for which a penalty of, say, less than three months is imposed, but a substantial offence.

Conditional release is an important part of any prison system. I am disappointed that it was removed from the Prisons Act on a previous occasion by this Government with the support of the Democrats. I presume that the Democrats will again combine with the Government to repeal it from the Correctional Services Act, but I will fight tooth and nail to ensure that it remains in this Act because this Act will apply once it is proclaimed.

We have had a number of debates about parole. I repeat the Liberal Party's position that it does not subscribe to this Government's programme of non-parole periods and automatic release, because that does not take into consideration the progress of an offender through the prison system, the behaviour of the prisoner in the prison system, the prospect of reoffending, whether in relation to the offence for which the penalty of imprisonment was imposed or some other offence, the rehabilitation progress of the offender, or the prospects for work or for some community or family support on release—all the factors that the Liberal Party believes should be considered before an offender is released into the community again.

That function was exercised well by the old Parole Board because it could take into account all of those factors, which the present Parole Board is unable to do; it is able only to impose what I would regard as administrative conditions, which are by no means onerous on an offender, although I recognise that some offenders choose not to be paroled because when they are released after serving their non-parole period less remission for good behaviour they want to be absolutely free. They are in a very small minority, but the bulk of the prisoners when released on the present conditions are not subject to particularly stringent conditions set by the Parole Board exercising its very limited powers.

There has been some criticism over the years, particularly from prisoners, that the operation of the old Parole Board did not give them any certainty as to when they would be released. I find that that is a most incredible attitude for prisoners who have been committed to prison for a breach of the rules relating to the proper conduct of society. It should be remembered that when a court imposes a sentence it imposes a maximum period and then allows certain remissions for good behaviour and an opportunity for parole, under the Liberal Party's proposal, that would take into account a variety of factors as to whether or not it is suitable and appropriate for that person to be released back into the community.

While there may be some uncertainty about that, there was no uncertainty about the maximum term for which a prisoner could be kept in prison if that prisoner did not earn remission for good behaviour and was not considered suitable to be released into the community without a risk of reoffending. So, on behalf of the Liberal Party, I will again endeavour to restore the parole position to what it was before this Government rushed its legislation through the Parliament in November and December last year and to give greater discretionary powers to a Parole Board.

**The Hon. C.M. Hill:** You have public opinion behind you, too.

**The Hon. K.T. GRIFFIN:** There is no doubt that public opinion is behind us, as the Hon. Murray Hill has indicated. There is a great deal of concern about the release of prisoners into the community prematurely under the Government's parole system. I have a question on notice about that because some difference of opinion has been expressed as to recidivism and, whilst a number of prisoners released on parole into the community under the Government's automatic release programme have recommitted offences, there is a suggestion that the Government's statistics on recidivism are limited to the reoffending by a released person on the basis of the same—

**The Hon. Frank Blevins:** They are Parole Board statistics.

**The Hon. K.T. GRIFFIN:** If they are Parole Board statistics, that is the area to which the question on notice relates, and I guess that we will get some answers tomorrow, but there was a suggestion that recidivism in the context of the Government's or the Parole Board's figures was related to reoffending on the same or a similar offence for which the prisoner was originally convicted.

*The Hon. Frank Blevins interjecting:*

**The Hon. K.T. GRIFFIN:** That is something that needs to be checked.

**The Hon. Frank Blevins:** You are talking about Francis Nelson.

**The Hon. K.T. GRIFFIN:** Well, it is an area that is the matter of some debate. By putting a question on notice I am trying to elicit some information. In passing, on a number of occasions details have been made available of offenders who have been released under circumstances that I and the community at large have regarded as being premature, and they have reoffended.

Only in the past couple of months another prisoner has been released—and I will not mention any names; I do not think that it is appropriate to do so—who has a number of convictions for breaking, entering, stealing, malicious injury, breach of a recognisance, assault, discharging of a firearm in a public place, attempted murder and assault occasioning actual bodily harm, where seven years of a sixteen-year sentence had been served. That person has again been arrested and is now on charges relating to drug offences.

So, within that automatic release programme are areas of considerable concern where persons convicted of serious offences or crimes are released at a time that the community would regard as very early, where the old Parole Board would have been able to exercise some discretion and take into account the prospects of reoffending.

They are the areas of concern which the Liberal Party and I have focused upon on a number of occasions previously: we will continue to focus on them in the future as these sorts of instances come to our knowledge.

The next area to which I want to direct just a few comments relates to prisoners' mail, because there is an amendment designed to limit even more the right to inspect prisoners' mail. The Act deals with prisoners' mail in section 33, providing that the superintendent or the person to be described as manager under the terms of the amending Bill has certain powers:

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

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

and

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

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

*(a)* a threat of a criminal act;

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

*(c)* an unlawful threat or demand;

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

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

*(f)* any item prohibited by the regulations;

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

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

or

*(i)* a statement that is in code.

(4) A superintendent may cause all parcels sent to or by a prisoner to be opened and examined, and all letters sent to a

prisoner to be opened by an authorised officer for the purpose of determining whether any parcel or letter contains a prohibited item or a sum of money.

In some circumstances the manager (formerly the superintendent) of a correctional institution may cause—

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

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

or

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

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

The letters that are sent by a prisoner to the Ombudsman, to a member of Parliament, to a visiting tribunal or to a legal practitioner at his business address are not to be opened, under section 33. Other provisions relate to the opening of prisoners' mail, but that code was incorporated in the Correctional Services Act by the Liberal Government in consequence of the report of the Royal Commissioner that was presented in December 1981. Censorship of mail was a matter of some debate during the course of that Royal Commission. The Royal Commissioner recommended:

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

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

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

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

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

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

The amendment that the Government is seeking to make will restrict the ability of a manager to open mail to circumstances where there has been prior approval of the Minister. I would absolutely oppose the Minister becoming involved in a day-to-day decision within the prison as to when mail is or is not to be opened in accordance with section 33 (5), particularly where mail is to be opened on a random basis. The Correctional Services Act, the Minister's second reading explanation and this Bill generally place emphasis upon the manager or, formerly, the superintendent, of a correctional institution having responsibility for discipline and the day-to-day administration of the institution. Yet here we have the Minister making the decision as to when mail in an institution should be opened. I cannot understand why the Minister would want to get involved in making a decision as to when a prisoner's mail should be opened.

Section 33 sets up a detailed code, which is quite clear, as to when mail should or should not be opened and what should be done with it when it is opened. It also provides for a random basis for opening mail. It seems to be quite inconsistent for the Minister to become involved in that process: it detracts from the capacity of a manager of a correctional institution to manage the affairs of that institution properly. If he or she has to go to the Minister on every occasion to get authority to open mail, even on a random basis, we will see bureaucracy run absolutely wild. It will involve the Minister in some very tough, politically controversial debates. We ought to leave censorship of mail, under the code already in the Act, to the manager of the correctional institution. That would be consistent with the recommendations of the Royal Commission.

So, I make particular emphasis of that point because random sampling and inspection of mail is a deterrent to prisoners within the system abusing it and using it for purposes which are illegal, either as contrary to the Act or contrary to the regulations. We already have a red phone in some of our correctional institutions, the use of which in my view is abused when prisoners are heard on radio talk-back programmes through the use of that phone, making all sorts of assertions that are not valid or correct. I suggest that in that context there ought to be more stringent monitoring of the use of that red phone, remembering that, whilst prisoners must have basic rights, they are there because they have committed crimes against society and they have to expect that a number of rights and privileges of ordinary citizens outside the walls of a correctional institution must be abrogated in favour of appropriate security within the prison system.

I now refer to volunteers. The Liberal Party places a great deal of emphasis on the use of volunteers not only within the prison system but right across the Government sector in assisting and providing a level of services on a personal basis which would not be adequately provided by public sector employees or, for that matter, could not be adequately provided due to the cost. Clause 53 of the Bill seeks to give wide powers to a manager of a correctional institution to prevent volunteers from entering that institution.

It is correct that there are some conditions precedent to that decision being made, but it seems to me that it gives the potential for a manager of a correctional institution to exclude a variety of people who would otherwise have legitimate responsibilities and who would be performing services legitimately in the correctional institution. There is no opportunity for some review of the decision by a manager of a correctional institution. I am concerned about that. It may be that the Minister can give some enlightenment as to the specific problems that he and the Government are seeking to address in this particular clause. If he can, then I am certainly prepared to reconsider the position that I have indicated, because I recognise that there may be occasions when a person should not be granted access to a particular correctional institution because of the behaviour of that individual. However, what I want to ensure is that that power of the manager is not abused and is not used unreasonably to exclude legitimate and proper activity by volunteers or visitors because I suppose that if one looks carefully at the way the clause is drafted it does not necessarily relate only to a volunteer: it can extend to anyone who wants to visit within the prison institution.

If the Minister can give some additional information I am certainly prepared to reconsider that position. There are a number of other issues in the Bill which will require some detailed consideration in Committee and I propose to address remarks on them during that stage of the proceedings of the Council. The matters to which I have referred at the second reading stage are the matters of the most concern and which to a very large extent are matters of principle and matters on which obviously the Liberal Party has a very substantial divergence of opinion from that of the Government. To enable us to consider further those matters I will support the second reading of this Bill.

**The Hon. FRANK BLEVINS (Minister of Correctional Services):** I thank the Hon. Trevor Griffin for his contribution to the second reading debate. As the Hon. Mr Griffin has said, there are quite significant differences between the Government and the Opposition on some of the principles embodied in this Bill and indeed in the Correctional Services Act, which this Bill seeks to amend. I am sure that in Committee the debate will be quite extensive as the Hon. Mr Griffin has already advised us that he is having some extensive amendments drafted. Therefore, I do not intend to respond to the Hon. Mr Griffin in a great deal of detail, as it will only all have to be repeated in Committee.

However, a number of the points he made warrant some response at this stage. I think that one of the first things to which the Hon. Mr Griffin referred was the question of visiting tribunals and why the Government has decided not to go ahead at this stage with the system of magistrates acting as visiting tribunals. I must say that it is still the Government's policy to have magistrates as visiting tribunals.

However, I understand that there is a quite considerable cost involved in doing this. At this time that is something that we just have not decided to embark upon. That is not to say that we will not do this in the future. However, what do we do? Do we delay the very necessary proclamation of the Correctional Services Act until resources become available for Magistrates to be appointed as visiting tribunals? The Government has decided that whilst that is desirable, and we certainly strongly support that concept, the earliest practicable proclamation of the Correctional Services Act has a high priority.

Throughout the Hon. Trevor Griffin's second reading contribution reference was made to a Royal Commission and to Law Reform Commission reports. I had a great deal of sympathy during the time of the previous Government because it was dealing with a prison system that had faced through many years of neglect (the overwhelming majority during the time of a Labor Government) for which, to a great extent, the Liberal Government paid the price. I do not run away from that fact. However, because of some of the actions taken by the previous Government, actions followed up by this Government, the prison system in 1984 is not the prison system of the time of the Royal Commission in 1980—it is a significantly different prison system.

Remedies that were offered as a result of the Royal Commission and some of the legal reports mentioned earlier, are, I think, no longer necessarily appropriate, and certainly there is nowhere near the urgency in 1984 that there was at that time, for the reasons I have mentioned. I am not condemning anybody in particular for the problems that were, in the main, inherited by the previous Government. The question of inspectors was related to the first point that the Hon. Mr Griffin made when referring to inspectors of prisons. I assure the Hon. Mr Griffin that before we get to the Committee stage of this Bill I will give those points further consideration. As the debate develops, it may even be that the Hon. Mr Griffin will be able to persuade me about some of those matters.

One matter that is particularly worthy of further thought is that related to the Minister appointing a JP as an inspector of prisons and whether that should be some other party or not—I will give further consideration to that matter. I point out that this Minister has no particular desire to appoint JPs who will give the Minister a favourable report on a prison when a favourable report is not warranted. I think that one of the difficulties will be to find JPs who are prepared to take on the quite demanding task of being an inspector of prisons. However, the point has been taken and I will give it further consideration. I point out that, as Minister, I have sought to involve the Ombudsman in the prison system. He is not always kind about the delivery of correctional services in this State but, be that as it may, at every opportunity possible I involve the Ombudsman in the prison system: the prisoners do likewise, and on some occasions the prison officers have done likewise.

So, we do not have a closed prison system in 1984 by any means. That has changed the climate very much as regards the appointment of inspectors at prisons. We also see something in 1984 that we did not see a few years ago—a very large media involvement in prisons. That is something that I certainly welcome and actively encourage, provided that privacy of prisoners is maintained. So, we have a much more open system where the alleged abuses of previous years could not now happen to warrant a very high level of inspectorial service. But, again, I will give the Hon. Mr Griffin's suggestion some further consideration.

There were about six other issues overall, but I will not go through them now because I will respond in detail in Committee to the amendments that are moved. The very important question raised by the Hon. Mr Griffin was that of legal advice to the visiting tribunal and that is something, when we come to the Committee stage, to which I will give very careful consideration. The Hon. Mr Griffin did say that it may not be within my knowledge that there had been some problems with the quality of advice given to tribunals within the prison system that had created difficulties which have had to be resolved at as high a level as the Supreme Court. The Hon. Mr Griffin was quite correct; that was not within my knowledge. It is now. I will do some further research on that question and, if I or the Government considers it warranted to have some independent legal advice available to the visiting justices, I would be quite happy to accede to the Hon. Mr Griffin's suggestion.

I think that, with certain major exceptions, a deal of bipartisanship is emerging around the prison system itself. Leaving aside major issues of the philosophy of parole and how parole is arranged, as regards the actual running of the institutions, what one can and cannot do, what one ought and ought not to do, I think that generally over the past few years a consensus has been emerging. I am certainly not here to score points over the Opposition and, from the tenor of the Hon. Mr Griffin's response to the second reading, he is not doing so over the Government in some of these machinery issues.

However, there is one question that I have to take up with the Hon. Mr Griffin, namely, that of parole. The debates around this matter have been vigorous and extensive, and I guess that they will continue as long as there are prisons and parole. It is a very vexed question and one to which I do not think anyone has the total answer. I refer to the question of indeterminate sentences, with a maximum, which were the previous Government's policy, and determinate sentences, which are this Government's policy. There are arguments for and against both, but certainly on balance this Government supports very strongly the proposition of having determinate sentences.

We believe that there is an appropriate sentence for a particular offence and that the best authority to impose the sentence for that offence is the court. We do not believe that anyone else—be it a parole board, a police officer, a lawyer, a member of the public, a volunteer, a professional or anyone else—has a better understanding of the crime and the penalty for the crime than the court that is dealing with it. It is a very simple proposition: the court and the court alone has the right to incarcerate citizens of this State in gaol. We do not believe that anyone else has that right.

People may differ from that philosophically, and they are entitled to their opinions. Indeed, their opinions will have some validity—there is no doubt about that. However, we believe that our proposition is the correct one. If one is going to take away the liberty of people, the court should be the only authority that should be able to do that. There is a suggestion—and I think a suggestion that is quite offensive to the courts—that magistrates and judges cannot count and that they sentence someone for a particular period but that person then gets out early, which the court did not want. Of course, that is incorrect.

I refer to an article in today's *News* that spells out clearly the very simple proposition that it is possible to earn one third remission off a non-parole period. Every magistrate and judge in South Australia is aware of that. The minimum amount of time that a judge or magistrate wishes a person to stay in gaol can be calculated simply—they do it, and

they do it constantly. So, we do have a philosophical difference with the Opposition on this, and I am sure that we will hear much more about it. I want to say a couple of things on this matter, but not in an aggressive way. The old Parole Board had some say in who was not released, but that system did not work well. I make no reflection at all on the people who made up the old Parole Board, but the system did not work well.

The Board's hearings were held in secret. The prisoner did not necessarily have to be there. Frequently—I understand more often than not—prisoners were not there when the decisions were taken and they had no idea why they had been refused parole. To me, that is a totally unsatisfactory situation. The Hon. Mr Griffin said that they knew what the maximum sentence was and they should have been content with that, but that is utterly unrealistic. When the non-parole period was given and people did not get parole and did not know why, and indeed if they did not know what they had to do to be paroled, it was totally unsatisfactory and created some of the problems that previous Ministers of Correctional Services experienced in the prison system.

There are no clairvoyants on the Parole Board. I refer to the suggestion that one can take into account the possibility of re-offending, but one cannot hold people in gaol on the possibility that they might re-offend. Using that logic, one could put everyone in gaol because, potentially, we are all offenders. Should we all be kept out of the community because we might re-offend? One cannot gaol people on the basis of something that they might do in the future.

For the Parole Board to attempt to use that as part of its criteria obviously could not work. According to the Hon. Mr Griffin, the old Parole Board could take into account the position of a person in relation to getting a job. Again, one asks whether a person should be kept in gaol because that person cannot get a job, and whether we should say that because a person can get a job we should let that person out of gaol. Again, we are talking about taking away the liberty of citizens of this State, and in my opinion that cannot be done on the basis of whether a person can or cannot get a job, or whether the person has a family to support or not. The decision must be made on the basis of the crime that the person committed and the appropriate penalty for that crime.

The behaviour of a person while in prison was mentioned by the Hon. Mr Griffin. It is difficult to suggest that a person's behaviour in prison is necessarily any indication of that person's behaviour outside the prison. The case of one South Australian prisoner will long be burnt in my memory. His behaviour in prison was absolutely impeccable: he did not put one foot wrong, was always courteous and polite, did everything that he was asked to do and was very helpful. He was a model prisoner. However, the last I heard of him was that he was using a machine gun in New South Wales. So, behaviour is not any indication. People who have had a lot of experience in correctional services have advised me that some of the most troublesome prisoners, particularly young ones who had made absolute and thorough nuisances of themselves to the prison authorities whilst they were in prison, after having left the system have never been seen again.

So, it is very difficult to instruct a Parole Board to take those things into account. The Government does not believe that those kinds of things ought to be taken into account. It believes that the nature of the crime and the appropriate penalty for that crime should be taken into account, and that the authority to decide that is the court. As I have said, the debate in Committee will be extensive, and I will give consideration to the points raised by the Hon. Mr Griffin.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

## COMPANIES (APPLICATION OF LAWS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 1623.)

**The Hon. K.T. GRIFFIN:** The Opposition supports the Bill. It is designed, as I understand, to overcome a technical hiatus between the Companies (Application of Laws) Act, 1982, coming into effect as at 1 July 1982 and 1 April 1983. As I understand it, the position is that on 1 July 1982 the Companies Auditors Board was abolished because the Companies (South Australia) Code came into effect on that date and the Corporate Affairs Commission thereafter was responsible for registering company liquidators. A number of persons were registered as company liquidators by the Companies Auditors Board as at 1 July 1982, and one of the conditions precedent to registration was the provision of a $10 000 bond by each of such registered liquidators to be available to meet any claims against a liquidator for breach of the conditions of his or her registration.

The difficulty was that although the Companies (South Australia) Code continued the registrations of such liquidators until they had to be renewed by the Corporate Affairs Commission, the code omitted to continue the effect of the bonds. Therefore, there is a hiatus period of about nine months. If there had been a breach of the terms and conditions of a liquidator's appointment, there would have been no bond available to meet any deficiency arising as a result of that breach. I understand that there are no breaches, but the Attorney might care to confirm that during the Committee stage. He might also confirm that my understanding of the operation of the Bill is correct.

I draw the Attorney's attention to the fact that I do not think the second reading explanation is clear enough. It took me some time to work out what was proposed, because there was no clear indication of that hiatus period in relation to the bonds. While the Attorney is the Minister responsible for the second reading explanation I draw his attention to the fact that I do not think it is clear as to what the Bill intends, and it took some time for me to deduce the objective which I have just indicated. Apart from that, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Registered auditors.'

**The Hon. K.T. GRIFFIN:** Are there any known claims in relation to the period from 1 July 1982 to 31 March 1983? I do not believe there are, but I think it should be confirmed. Secondly, will the Attorney confirm my understanding that the problem which the Bill seeks to overcome—retrospectively, I might say and back dated to 1 July 1982—is that when the Companies (South Australia) Code came into effect on 1 July 1982 it continued the registration of liquidators but omitted to pick up and continue in effect the bonds of $10 000 per liquidator which had been applied by the Companies Auditors Board and which from 1 April 1983 the Corporate Affairs Commission then imposed as a condition of renewal of registration of various company liquidators?

**The Hon. C.J. SUMNER:** Yes, I understand that that is the position.

**The Hon. K.T. Griffin:** And that there are no claims?

**The Hon. C.J. SUMNER:** And that there are no claims.

Clause passed.
Title passed.
Bill read a third time and passed.

## BUILDING SOCIETIES ACT AMENDMENT BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Building Societies Act, 1975. Read a first time.

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

*That this Bill be now read a second time.*

The Building Societies Act, 1975, came into operation on 17 April 1975 and there have been a number of amendments since that date, most being of a relatively minor nature. This Bill introduces several amendments which are intended to facilitate the needs of societies in a rapidly changing financial environment and which relate to the administration of the Act.

The introduction of this Bill comes at a time when most other States in Australia are seeking to introduce or are working toward similar legislation that will provide a greater degree of freedom in asset management by societies and a greater ability to meet the financial needs of members. Such an expanded role as proposed in this Bill, whilst still preserving the predominant role of a building society, which is the provision of housing finance, will not in the Government's view affect the viability of building societies.

The reasons for this Bill are virtually self-explanatory: recent developments in the banking and finance sector, precipitated by the Campbell and Martin Committee reviews into the Australian financial system, necessitated urgent deregulatory measures for societies to maintain their competitive position in the market place. This Bill, therefore, seeks to free up a percentage of society funds equating to 6 per cent of assets for the purposes of capitalising corporate subsidiaries for the provision of a range of services, including unsecured lending. It also provides that societies may provide advisory and other services to members.

The Bill also provides for the administration of the Act to vest in the Corporate Affairs Commission. Previously the Registrar of Building Societies held this statutory responsibility. The Bill also applies appropriate provisions from the Companies (South Australia) Code relating to inspection, a measure that has been adopted in other 'co-operative' legislation.

This Government is supportive of the important role conducted by the building society co-operative industry in its provision of housing finance and other financial services, and introduces this Bill, confident that the future development of this industry will be greatly facilitated by this amending legislation. 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 amends section 3 of the principal Act, which sets out the arrangement of the principal Act. Clause 3 amends section 5 of the principal Act by inserting a new definition (that of the Corporate Affairs Commission) and deleting the definition of Registrar.

Clause 4 repeals sections 6, 7, 8 and 9 of the principal Act and replaces them with new sections 6, 7, 8, 9 and 9a, which cover substantially the same subject matter. Those provisions of the principal Act that dealt with the appointment and the office of Registrar have been omitted in consequence of the transfer of the Registrar's functions under the principal Act to the Commission.

New section 6 provides that the Commission is responsible for the administration of the Act, subject to Ministerial control. New section 7 provides that the Commission shall keep a register of societies and such other registers as it thinks fit. Any person may, on paying a fee, inspect a register kept by the Commission, or any document, or obtain certified copies or extracts of registers, documents or certificates.

New section 8 provides for an annual report on the administration of the Act. New section 9 provides for the continuation of the Building Societies Advisory Committee: this section is the same as present section 90, and it is considered appropriate for the section to be moved into that Part of the Act that deals with administration. New section 9a provides that the provision of the Companies (South Australia) Code relating to inspection extend to societies as if they were corporations under the code. Modifications may be made as necessary or as prescribed.

Clause 5 adds new subsection (2) to section 10 of the principal Act. The new subsection will allow societies to provide advisory and other services to members, to conduct business as agents and to conduct other activities that are incidental to their objects. A society may only operate under subsection (2) with the approval of the Commission. Clauses 6 to 24 amend the principal Act by replacing references to the Registrar with references to the Commission, and other consequential amendments of a minor nature.

Clause 25 amends section 40 of the principal Act. The amendment provides for deregulatory measures of asset management by allowing a society to increase its holdings of shares in companies or bodies corporate, and by the making of loans (unsecured or secured) to such companies or bodies corporate to the extent of 6 per cent of the total of the paid-up share capital of the society, the deposits held by the society and the outstanding moneys borrowed by the society. The Government considers that there is an urgent need for societies to meet the competitive thrusts of the changing financial environment, and such measures are in general terms compatible with the spirit of the Campbell and Martin Reports.

Clauses 26 to 45 amend the principal Act by replacing references to the Registrar with references to the Commission, and other consequential amendments of a minor nature. Clause 46 repeals section 84 of the principal Act, which dealt with inspection of documents held by the Registrar. The corresponding provision relating to inspection of documents held by the Commission has been placed in the earlier Part of the Act dealing with administration. Clause 47 amends section 86 of the principal Act by replacing references to the Registrar with references to the Commission, and other consequential amendments of a minor nature.

Clause 48 repeals section 86a and replaces it with new section 86a, which is to the same effect, but which refers to the Commission rather than the Registrar. Clause 49 repeals section 88 of the principal Act, which dealt with annual reports. A corresponding provision has been incorporated in the Part of the Act dealing with administration (clause 4). Clause 50 repeals section 90 of the principal Act, which dealt with the advisory committee. A corresponding provision has been incorporated in the Part dealing with administration (clause 4).

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## NATIONAL CRIME AUTHORITY (STATE PROVISIONS) BILL

Returned from the House of Assembly without amendment.

## EVIDENCE ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

## WHEAT MARKETING BILL

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

## CANNED FRUITS MARKETING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## ADJOURNMENT

At 5.53 p.m. the Council adjourned until Wednesday 14 November at 2.15 p.m.