LEGISLATIVE COUNCIL

Tuesday 26 February 1985

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

PETITION: CONSENT TO MEDICAL AND DENTAL PROCEDURES BILL

A petition signed by 92 residents of South Australia praying that the Council will either reject the Bill or amend the Bill to ensure that responsibility for consent to the medical and dental treatment of minors lies with the parent or guardian for minors below the age of 16 and jointly with both the minor and the parent or guardian for minors of or above the age of 16 years was presented by the Hon. Peter Dunn.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

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

By Command—

Parliamentary Superannuation Fund—Trustees' Annual Report, 1983-84.

Pursuant to Statute—

Acts Republication Act, 1967—Juries Act, 1927—Reprint: Schedule of Alterations made by Commissioner of Statute Revision.

South Australian Superannuation Board—Report, 1983-84.

Superannuation Act, 1974—Regulations—Employing Authority.

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

Pursuant to Statute—

Planning Act, 1982—Crown Development Reports by S.A. Planning Commission on proposed—

Erection of transportable classrooms, Port Augusta TAFE

Transfer of land and use as sewerage reserve, Port Augusta.

Power generator and distribution system, Nundroo and district.

MINISTERIAL STATEMENT: SUPERANNUATION

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: Members will recall that last year I tabled the actuarial reports on the South Australian Superannuation Fund. On that occasion I informed the Council that the Government would not make any decisions in relation to the recommendations of the report until it had consulted fully with representatives of the contributors.

The tabling and subsequent publication of that report raised a number of issues concerning public sector superannuation, and it became clear during the process of consultation which the Government undertook that there was some concern among contributors concerning the operation of the scheme. It was also apparent that there was some disquiet in the wider community concerning the cost of public sector superannuation.

These divergent views both carried with them requests for a wide-ranging inquiry into public sector superannuation. In particular, the Hon. L.H. Davis moved a motion which called for such an inquiry. In responding to that motion, I made clear that the Government was not opposed to an independent inquiry into public sector superannuation. However, it did not believe it was necessary to cover yet again the ground that had been traversed by the major inquiries into this subject which had been held in other States. It also believed that it was not appropriate to spend the considerable resources that would be necessary on a large scale inquiry as was envisaged by the Hon. Mr Davis.

However, the Government does believe it is necessary that any inquiry into public sector superannuation be conducted in such a way that it can both deal with the many issues that have been raised as well as providing an opportunity for all parties to contribute their point of view. Consequently, the Government has decided that the inquiry shall be representative of contributors, the private superannuation sector and the Government, headed by an independent chairman.

Mr Peter Agars, of Touche Ross & Co, has agreed to chair the inquiry. I am sure all members will agree that Mr Agars will be a very appropriate person for such a task. He is a well respected South Australian accountant, past national president of the Australian Society of Accountants, and a member of the Public Sector Accounting Standards Board established by the Australian Accounting Profession in 1983. It is worth noting that the Board is currently addressing requirements for a proposed statement of accounting standards to apply to both public and private sector superannuation schemes. Mr Agars has also had considerable experience as a consultant to Government, both during the term of the current Administration and in the term of office of the previous Government.

The terms of reference of the inquiry will address the immediate concerns of the contributors regarding the recommendation of the triennial review that contribution rates should rise. However, they will also cover the wider issues of the appropriateness of benefits provided by South Australian public sector superannuation schemes. The inquiry will also be asked to review the findings of the major inquiries that have been held in other States and, in the light of those findings, review the provisions for accountability of the South Australian schemes. Finally, the inquiry will be asked to consider the investment policies and administration of the South Australian Superannuation Fund Investment Trust.

I would also like to advise the Council of decisions the Government has taken in regard to superannuation in advance of this inquiry. They relate directly to the findings of the interstate inquiries to which I have referred. These are a direction to all Government agencies that any changes to superannuation arrangements require the prior approval of the Treasurer, the recommendation that trustee groups for public sector superannuation schemes involve employees in the management of schemes, and a recommendation that trustees provide annual reports to the relevant Minister for tabling in Parliament. In regard to that last recommendation, honourable members will note that I have tabled today the Report of the Trustees of the Parliamentary Superannuation Fund.

The Government appreciates superannuation is a very important issue for its employees. It is also aware that the Superannuation Fund has become a very important source of investment and development for the South Australian economy. The many questions surrounding superannuation are complex and they require careful consideration. The Government believes that the inquiry which I have outlined will be the best vehicle for that consideration.

NO-CONFIDENCE MOTION: PAROLE SYSTEM

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That, in view of:

1. The Minister of Correctional Service's complete failure to protect the community in the way the Government promised in December, 1983;
2. The Minister's complete failure to review and amend the parole system in the light of clear evidence that it is exposing innocent people to risk; and
3. The Minister's attempt to mislead Parliament and the public about the operation of the parole system

this Council no longer has confidence in the Minister of Correctional Services and calls upon the Minister to resign immediately.

In December 1983 the Government, through the Minister of Health, introduced into this Council proposals for a major change in South Australia's parole system. When the amendments were introduced the Minister described in glowing terms how 'The Bill constitutes a significant social and penal reform'. Since that time that glow of hope for the prisoner has turned into dim despair for the community.

Rather than build the community's confidence in our system of the administration of justice, the new parole laws have brought the system into disrepute. The public sees this Government's parole laws as synonymous with lenience towards criminals. The number of cases which highlight the inadequacies of the present system grows almost daily. My colleague the Hon. Mr Griffin will comment upon these instances in detail when he supports the motion before the Council.

Regrettably, it has become patently clear that the Government and, in particular, the Minister of Correctional Services lack the will to protect the best interests of the community. Recent cases have highlighted this imbalance. The Minister, in his second reading explanation on the new parole laws, described the Government's intentions in the following terms:

> The Government believes that, in so far as imprisonment is a necessary form of punishment for persons convicted of some offences, it should, as far as possible, be certain, consistent and proportional to the gravity of the crime for which the offender is being sentenced.

Admirable as these objectives may be, they are not being achieved in a way that benefits the community. Indeed, recent releases of some convicted criminals could hardly reflect punishment which is 'proportional to the gravity of the crime' (to use the Minister's own words).

How, for example, can the Government credibly defend the release, this morning, of Colin William Conley, a criminal well known for his involvement in the drug trade and who was convicted for heroin dealing? He has left prison after serving only three years of a 15 year sentence. That really makes a joke of the sentencing procedures. It really brings the community to the point of wondering what on earth is going wrong with our system and why on earth we have it. All the Government's words about drugs are seen for what they are when we see these effects of the Government's new parole system.

The Government and this Minister were warned. They have refused to act and, accordingly, no longer deserve the confidence of this Council, just as they have lost the confidence of the community, which is clearly worried about this issue. The Minister attempted to stem the tide of rising concern with spots on radio talkback programmes this morning. Regrettably, however, he did not have satisfactory answers. Indeed, in the Jeremy Cordeaux show he attempted to wash his hands of the matter by saying there will always be problems with parole systems because members of the Parole Board are 'only human beings'.

That cop out is not acceptable. When in October last year I raised the concerning problem of drugs in prisons, the Minister responded with a similar retort that 'they will always be there'. Such dismissive responses are unacceptable. The Minister of Correctional Services is and must be responsible for our new parole system. It is his Government's system.

The signs of difficulty with the parole laws have been there for some time. The Opposition has been flagging the problems for many months—virtually since the parole laws were changed. The Minister continues to defend the indefensible: he shows indifference to the failure of the system which we have identified, and will continue to identify.

Sentences received and served by criminals must adequately reflect society's abhorrence of crimes committed and there must be more effective deterrents. Many other examples can be given of the operation of this new system over the past 12 months that do not appear to sufficiently protect the community interest. I will recap on just some of the cases:

The six prisoners involved in a violent escape from Yatala last June, when warders were fired at, all received 15 day remissions on their sentences for that month, even though they had committed that offence within the present system itself.

A parolee faced a murder charge shortly after early release.

A police officer sustained a hairline fracture of the skull allegedly inflicted by a man a fortnight after his release on parole.

A man released after 18 months of an eight year sentence for rape offences was charged again soon after his release with further rape offences and also gross indecency and kidnapping.

We all accept that the rehabilitation of prisoners is an important aspect of our prison system, but this early release system gives no guarantee of rehabilitation. It is automatic, and it certainly does not achieve a balance between the interests of the prisoners and the rights of the community for effective protection.

Indeed, early release can be a positive disincentive to rehabilitation because the prisoner knows that he will be out, so why worry. As has been indicated by the Opposition, parole is a privilege and not a right accruing automatically to every prisoner. The parole system, through the appropriate powers of the Parole Board, must be able to respond with far more discretion to the individual circumstances of prisoners. The Minister has failed to allay growing public concern.

In the first 12 months of the new system, one in five parolees has reoffended: double the figure that the Minister sought to maintain. This is a disturbing statistic highlighting the underlying faults in the new early release parole system. What is also disturbing about the system is that it operates in retrospect, so that prisoners for whom non-parole periods were applied (under quite different rules) before December 1983 can benefit from an Act of Parliament rather than from the action of the courts. The Hon. Mr Griffin will have a little more to say on that matter and what this Council attempted to do about it.

Our parole system is beset with difficulties, and this Minister fails to acknowledge either the problems or the need for review. He misleads in his effort to defend the system and distorts the truth in an effort to protect himself. We believe that the system needs review and that the Minister has failed the community. Accordingly, we have no alternative but to indicate in the most serious terms our lack of confidence and the lack of confidence of the community in him.

The Hon. K.T. GRIFFIN: In 1983 the Government introduced wide ranging amendments to the parole system, expecting them to pass through both Houses of Parliament in something like one week. Notwithstanding some resistance by the Opposition to that programme, that was in fact the

ultimate result and we see now the consequences of such hasty legislation being pushed through Parliament covering such a sensitive and complex area as that of parole. We stood up to be counted on that legislation and we fought it hard, because we believed that it was totally inappropriate to introduce a radically different scheme of parole from that which had existed in South Australia for about 14 years.

Notwithstanding that resistance, the Australian Democrats combined with the Australian Labor Party—the Government—and they succeeded on the day in getting their new scheme through Parliament. Now they are reaping the consequences of that. In a preceding discussion paper produced by the then Chief Secretary (Hon. G.F. Keneally) in about August 1983 the comment was made about the proposal for automatic release that it was a radical shift in policy. However, we saw when the Bill was introduced that the Minister was stepping back from that comment of his in the discussion paper and saying that it was not so radical.

In fact, it was a radical change and a quite significant change from the system as we then knew it. That discussion paper was subject to criticism by a range of persons with an interest in the community—the Victims of Crime Service, the then Parole Board (not just the Chairman but the Board) and others in the community—and the then Chairman of the Parole Board made a submission to the Government which, as I understand, received no acknowledgement. It drew attention to some of the problems with the proposal in the discussion paper. The Parole Board Chairman referred particularly to the basis that the Government then asserted was the reason for the introduction of the new parole legislation, namely, the then current significant unrest in the prison system. He stated:

> The Board does not accept that the current unrest in prisons is in any way due to either defects in the present parole system or the Board's administration of that system. The present system operated without complaint well before the current unrest, which is of recent origin. It is not without significance that there has been prison unrest interstate, where supposedly superior parole systems are said to operate. Publicised criticism of the Board and the present parole provisions and unrealistic prison expectations based on that publicity are a more likely cause of prison unrest in so far as it can be connected to parole at all. The Board cannot be made a scapegoat for any present prison unrest.

In terms of the legislation and on behalf of the Board he states:

> 6. The paper recommends automatic parole and having said such exists in Victoria and New South Wales, seeks to implement that. As to this:
>
> *(a)* does automatic parole really exist in Victoria and New South Wales? Automatic release on licence is presently being considered by the New South Wales Government as an alternative.
>
> *(b)* the proposed alteration to section 67 does not make parole automatic—

although he went on to comment about that—

> *(c)* automatic parole would—
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> (i) create inflexibility; flexibility is the essence of any parole system which seeks to meet individual requirements;
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> (ii) remove an existing incentive for good prison behaviour;
>
> (iii) tend to expose prison officers to added risk;
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> (iv) equate 'bad' prisoners with 'good' prisoners;
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> (v) lead to the fixing of longer non-parole periods by courts;
>
> (vi) take insufficient account of the trustworthiness of prisoners and in particular the likelihood of re-offending during parole;
>
> (vii) be unlikely to reduce the prison population because sentences would be longer; alternative punishments to imprisonment are the true answer to cutting the prison population; the size of the prison population is governed by those who fix penalty (the Legislature and Judiciary), not the Parole Board or the parole system;
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> (viii) prevent individual consideration of the respective interests of the prisoner and the public at the time of the proposed release.

Notwithstanding those criticisms and the fact that during the time when the then Justice Mitchell was Chairman of the Parole Board for some years there had been very little criticism of the principle of parole and the operation of the Parole Board, the Government ploughed on. As I have indicated, my Party and I opposed the measure vigorously in both Houses. As a result of that measure, we have seen a number of instances where prisoners have been released early and in circumstances which, although we drew attention to the broad range of circumstances at the time, were ignored by the Government and the then Minister.

We see that Conley, who was convicted of four charges involving drug dealing in relation to heroin, was sentenced to 15 years with a four year non-parole period: we see that Kloss, who has managed to get out through the prison telephone system to make comments to the media yesterday and today, was sentenced to 14 years for conspiracy to import $1 million worth of cannabis resin with a six year non-parole period—but Conley will be released in less than three years and Kloss is likely to be released in 1986, at least two years earlier than the non-parole period that was fixed under the old system of parole. Many other prisoners, who have been released well before their time, were sentenced prior to December 1983 under a totally different system.

The Minister has tried to draw attention away from his own failings and those of his Government by asking, 'Why didn't you as Attorney-General of the day and the Liberal Government seek to appeal against the non-parole sentence imposed on Conley?' But that is really a red herring. The fact is that under the parole system as it then existed, the Parole Board would not even entertain an application before the non-parole period had been served. So it was not a matter of a prisoner being released at the point of the non-parole period having been served: it was a matter of the prisoner then being entitled to make an application. When the application was made the Parole Board would give the police an opportunity to make a submission and, if they made a submission, the prisoner also (under our scheme) would have had a right to appear and to make a submission. There was input from the Department of Correctional Services about behaviour in prison in particular.

Also, the Parole Board was able to consider the nature of the offence; the likelihood of re-offending; the antecedents and character of the prisoner; the question of the extent to which rehabilitation might be presumed; the level of support that the prisoner would get in the community if released; whether or not the prisoner had a job to go to; and whether or not there was a family or some friends or other body prepared to support the prisoner during the process of rehabilitation. They were the criteria and factors that the then Parole Board could consider.

There is no doubt at all that, notwithstanding the non-parole period in Conley's case of four years and in Kloss's case of six years, the Parole Board would not have released either of those two persons immediately upon the expiration of their non-parole period. What the Minister has been seeking to do is confuse the two systems by equating the non-parole period fixed under the Liberal scheme with the non-parole period relating to automatic release under the Labor Government's scheme passed in December 1983. The two are totally different! There is a radical, significant difference between the two schemes. I think that this is a factor that ought to be considered and understood by the Council and by the community at large.

Although we have legislation applying to prisoners sentenced before December 1983 where a non-parole period

was fixed, the Government has done nothing about seeking to get an extension of that non-parole period, notwithstanding that it does have some power under the amendments to the Act passed in December 1983. If one looks at the *Hansard* record one sees that I drew attention to the particular problem that would be faced by the Government in applying this legislation and this automatic release scheme to prisoners who were sentenced under a totally different regime and scheme.

Notwithstanding that, the Government and the Democrats combined and brushed it aside in their haste to get towards Christmas and to release many many prisoners. They said, 'Well, we have the power to deal with these cases. Under our proposal everything will sort itself out.' Let me just relate some of the comments made during the course of that debate on 8 December 1983 when I said, in dealing with an amendment relating to the non-parole period:

The next provision is an amendment, which is included in the clause, that the Crown can apply to the sentencing court for an order extending a non-parole period fixed in respect of a sentence or sentences of a prisoner where that non-parole period is fixed, but, where the Crown makes an application, the court is only permitted to have regard to the likely behaviour of the prisoner (should he be released on parole) and also his behaviour while in prison, but only in so far as it may assist the court in predicting his behaviour if released on parole, and such other matters as the court thinks relevant.

In respect of a prisoner sentenced before this Bill comes into operation where there is no non-parole period and the prisoner is applying for that to be fixed, the court is not to have regard to the behaviour of the prisoner while in prison. I cannot accept that the court should be so constrained in respect of determining whether or not a non-parole period should be imposed and, if it should, to what extent, or whether a non-parole period should be increased. The behaviour of the prisoner is, in my view, a key element in any decision which would be made by the court in respect of that matter.

It is also interesting to note that the court is not to make an order extending the non-parole period unless it is satisfied that it is necessary to do so for the protection of any other person or of other persons generally. That is really tying the hands of the court behind its back so that it is very much constrained in determining whether or not a non-parole period ought to be extended. I do not believe that that sort of constraint should be included.

The present Attorney-General, the Minister in charge of the Bill in this Council, responded as follows:

With respect to current prisoners applying to the sentencing court for the fixing of the non-parole period, the Government feels that that is necessary in order to achieve consistency between those people who have had a non-parole period fixed and those who will have a non-parole period fixed in the future, and those people who may have been sentenced under a different regime. Therefore, the Government feels that the Bill is satisfactory.

Finally, giving the Crown the right to apply to the sentencing court for an order extending the non-parole period is really a safety valve to provide the Crown with some rights in relation to very difficult and exceptional cases.

He then opposed the amendments I had moved. All I can interject in that context is to remark what a safety valve that has proved to be, as the Government will not even make an application to the court. Later, continuing the debate on that particular amendment and referring to a prisoner by the name of McBride who was sentenced to life imprisonment for murder and had received a 20 year non-parole period before December 1983, I said:

My amendment will ensure that prisoners who received non-parole periods before the Bill comes into operation will not be released until their non-parole period has been reviewed by the sentencing court. That position should apply if we are to proceed along the track of automatic release. My amendment will ensure that the courts have an opportunity to reconsider non-parole periods fixed before this Bill comes into operation, in relation to automatic release provisions.

I specifically moved an amendment which would deal with the problem I foresaw in the light of the fact that the Democrats had combined with the Government to apply its new scheme of automatic release to prisoners who had been sentenced and for whom a non-parole period had been fixed prior to December 1983. The Attorney-General, referring to an argument put by the Hon. Mr Lucas again reflecting the same sort of problem that I was raising, said:

I understand the argument put up by the Hon. Mr Lucas. If this Bill goes through, we will have the potential for a great conflict in the system between those sentenced prior to this Bill coming into effect and those sentenced after it comes into effect . . .

The difficulties that have been outlined have been exaggerated. In the case of McBride, there will not be automatic release after 13 years. A person sentenced with life imprisonment must still run the gauntlet of Executive Council. There is no automatic release for a lifer at the expiration of the non-parole period. So, I do not believe the situation is as dramatic as honourable members might indicate.

Furthermore, I have already referred to clause 14 which inserts new subsection (2b) in section 42i and provides the Crown with the right to apply to the sentencing court for an order to extend the non-parole period of a sentence whether that sentence was fixed before or after the introduction of the Prisons Act Amendment Act (No. 2), 1983.

In relation to my specific amendment, seeking to ensure that all non-parole periods granted prior to December 1983 went back to court before they were acted upon, the Attorney-General said:

The Government cannot accept the amendment. It is a fact of life that, when new legislation is enacted, there are sometimes difficulties in transition from one scheme to another, and the sorts of problems that have been outlined in relation to this clause and to some of the other clauses come into that category. The Government believed that on balance all those prisoners who are sentenced under past legislation should be placed on the same footing and that to draw distinctions between prisoners depending on when they were sentenced would not be appropriate.

I understand the arguments of honourable members opposite. In the transition from one scheme to another there can be problems and anomalies, but on balance the overwhelming reason for opposing the amendment is to place those prisoners in the prison system on an equal basis and, if we do not do that, there will be distinctions drawn between prisoners in the same prison depending on when they were sentenced, and that can only cause problems.

There was no equal basis. The fact is that prisoners sentenced before December 1983 were sentenced under a different regime to that which applied after December 1983 and under the Government's automatic release programme. The courts themselves recognised this and increased non-parole periods when they were sentencing prisoners after that date. No-one can say that prisoners have been treated on an equal basis: they are two grossly unequal situations.

I have made the point before that Conley was President of the Prisoners Representative Committee, and that Kloss, a successor to Conley, was also President of that committee; that committee has been vocal in its criticism of certain areas of the prison system, and the Government has bowed to the demands of the Prisoners Representative Committee and has bought peace in the prisons at the expense of public safety and security. There has been a pandering to prisoners and that, in my view, is inappropriate.

I refer to a few cases that have been drawn to my attention. While the Government may well seek to suggest that we are picking out isolated cases, the fact is that these are serious cases which have managed to get through the Government's automatic release programme and which most likely would not have got through under the previous system where the Parole Board had much wider discretions. The first case is in relation to a man who was involved in the Yatala riot early in 1983—indeed, he was the ringleader. He was charged with riot and assault occasioning actual bodily harm, yet he was released on parole just over a year later, in March 1984, after serving only three years for rape, robbery with violence, common assault, and assaulting police. Within a month of his release he was charged with murder.

The second case is a man released on parole in August 1984. He had been serving a sentence for rape. Within three months he was charged with raping the same woman again and with the murder of a man. The third case is a man

paroled in February 1984 and re-arrested in November 1984 on two counts of attempted murder. The fourth case is a man paroled in April 1984 and charged last month with attempting to murder a police officer. The fifth case is a man paroled in June 1984 charged the following month with assaulting a police officer (who sustained a fractured skull); he was bailed on this charge and now faces two counts of attempted murder. In addition, there are the examples raised by the Hon. Mr Cameron in moving this no-confidence motion.

The Government's own figures, produced to me at the end of last year for the first six months of its automatic release programme, indicate that there is a recidivism rate of 12 per cent. Of course, that will not take into consideration all those in the system and give a proper balanced statistical view. There is evidence that the recividism rate is, in fact, as high as 19.5 per cent. This morning the Minister of Correctional Services was on a radio programme saying that under his Government those prisoners sentenced to life imprisonment are serving longer terms, and that prior to this Government coming to office the average length of time for a person convicted of murder and sentenced to life imprisonment was something between eight years and nine years. What that ignores is that the Liberal Government removed from the Parole Board the right to release prisoners sentenced to life imprisonment. We were concerned about the early stages at which the Parole Board was acting to release prisoners sentenced to life imprisonment. We took the initiative through the Parliament in 1981, I recollect, to ensure that the Governor in Council, the Government of the day, had the final say as to whether or not a lifer should be released.

The recommendation of the Parole Board was taken into account, but I know that, in the few cases which came before us in the two years after the legislation was passed, there was not a large number and, on occasion, we refused to release prisoners serving a life sentence because we did not believe that the community would be adequately protected by such release. Although the statistics may now indicate that those sentenced to life imprisonment are serving longer periods in gaol before release, one must take it in context; and the context is that, in fact, there has been, even within the courts, a general toughening up over the past five years in the attitude towards sentencing in particular, but also in relation to life imprisonment. The Government of the day has been more cautious in releasing lifers into the community because of the community reaction if anything were to go wrong.

Therefore, in summary, the Government introduced a scheme which was opposed by the Liberal Opposition—a scheme for automatic release which has failed dismally. It is a radically different scheme from that which was in existence before December 1983, and there is no basis of comparison at all. It has been quite improper for those who were granted non-parole periods before December 1983 to be treated no differently from those sentenced after December 1983.

It is appalling that no attempt has been made to have the Supreme Court review the non-parole periods fixed before December 1983 in cases such as those of Conley and Kloss. It is all very well to say that the advice of the Crown Prosecutor may be that the prospect of success is not high, but the fact is that at the time of the debate the Government assured Parliament that there were adequate safeguards to ensure that in the sorts of cases, such as those of Conley and Kloss, to which I have referred, there would be an avenue of approach to the Supreme Court to extend non-parole periods. However, that has not been honoured and, now, it is the public duty of the Government and the Attorney-General, supported by the Minister of Correctional Services, to exhaust every avenue to ensure these sorts of prisoners remain in gaol for at least the minimum non-parole period. Grave offences have been committed by those who have beer released on parole and under the automatic early release programme.

The Government must be condemned for not reviewing the operation of the legislation in matters of substance. The Government may have reviewed it in minor procedural and administrative matters, but it has not reviewed it in substance. The Opposition endeavoured to have a standing committee established to review the operation of the legislation after 12 months, but that was defeated by the Labor Government and by the Australian Democrats combining in this Council. There has been no conscientious review of the substance of the way in which the scheme operates, and that is to be deplored. In all those circumstances, there can be no other alternative but for the Council to support the motion moved by the Hon. Martin Cameron condemning the Minister of Correctional Services and seeking his resignation and, in concert with that, to severely criticise the Government for its negligence in not adequately and effectively ensuring that all steps are taken to protect the community. I second the motion.

The Hon. FRANK BLEVINS (Minister of Correctional Services): To some extent I have been a little disappointed this afternoon. As a Minister, against whom a motion of no confidence has been moved, I had hoped that it would be taken seriously. Obviously, from the very perfunctory speech given by the Leader of the Opposition when moving the motion, the matter has not been treated very seriously. The long meandering quotes from *Hansard*, which is about all the Hon. Mr Griffin contributed, I think further confirms my comment. The substance of the motion is very clear to just about everyone who takes an interest in politics in South Australia: it is known as the politics of diversion. When a political Party, a Government or, as in this case, an Opposition is going through a bad patch and having a bad time, an attempt is made to create a diversion. To some extent that is understandable. In this case it is not just understandable; it is very transparent.

I imagine that for the past couple of weeks whenever a member of the Liberal Party has picked up a newspaper—morning or evening—he has died a little. In fact, one has only to see their faces in this Chamber to confirm that. Their discomfort is not of the Government's making; it is of their own making. The Government has not sought to take advantage of their embarrassment in their current predicament, and I concede that the Opposition is in a predicament. Every edition of the newspapers and the billboards, twice a day, are, quite frankly, pretty frightful from their point of view. Therefore, the Liberal Party has decided to create a diversion by looking for an easy and cheap headline—correctional services. It is a cheap and easy headline. The Opposition has given no consideration to reasoned and rational debate in what is a very serious and very difficult area. The only thing considered by the Opposition is 'How can we get rid of the current source of embarrassment from the four issues of the newspapers that are produced every day?' The Opposition has decided on correctional services yet again. That is regrettable and, once again, we have to go through the motions.

There was very little in the Hon. Mr Cameron's speech which calls for reply; the same could be said of the Hon. Mr Griffin's contribution. While the Hon. Mr Griffin's speech was lengthier, he certainly said nothing different or new. I suppose there are a few principles that must be clarified, and I am quite prepared to do that. First, I will compare the old system that applied until December 1983 with the new system introduced after that time. Under the

old system the sentencing body was not the court; it was the Parole Board. Some may say that the courts handed out bags of lollies at that time and that the Parole Board was needed to back up the courts and stiffen the sentences imposed. I do not know what the rationale was for the old system. However, under the old system few if any prisoners within the system knew how long they would remain in gaol. The amount of time that prisoners were spending in gaol was very short, particularly for the most horrible and outrageous crimes and, obviously, the system had to change. At that time the Labor Government looked at systems throughout Australia and the world.

The system that we now have here is the most common system: it is common to all the other States in Australia, with the exception of Queensland, and my information is that Queensland will probably adopt this system also, because it is the fairest and most equitable system of sentencing and parole that there is. It puts the sentencing procedure and the right to sentence back into the courts, where it properly belongs. We expected, and it was stated in the debates, that the results of those changes would be that sentences would increase, prisoners would stay in prison longer, and, particularly for the more serious crimes, very much longer, and that has been the result.

I have some preliminary statistics from a review which we are doing and which I announced last year—there is nothing new about the review—as to what is happening with the gaol population and the sentences. It is clear from these statistics—I will not read them out, but will make them available to the Hon. Mr Griffin or anybody else—that the sentences are increasing quite extensively, particularly for the more serious crimes.

The fact remains that the Parole Board used to hear applications for parole long after the crime was committed and long after the person was sentenced, when perhaps the name of the prisoner and even the name of the victim were long forgotten. The prisoner fronted the Parole Board: provided that he shined his shoes, combed his hair and said that he was sorry, he got out. The average time that that Parole Board compelled murderers to stay in prison was eight years and seven months. The Hon. Mr Griffin said that that was what the figures seemed to show: they do not seem to show it; they show it. That is the fact: eight years and seven months was what the Parole Board used to give lifers, which was totally unsatisfactory. Already, under the new system, the average length of time served has increased by over two years to almost 11 years. That is with only a little over 12 months of the operation of the system.

Where the court feels that it is proper, we insist that every lifer is given a non-parole period. The court does not have to: it can keep them there for life, but the legislation strongly implies that a non-parole period ought to be given unless there are special circumstances. It states that. If the non-parole period that is given in the case of these very serious crimes is not long enough, we appeal. I will quote just a couple of cases as evidence of that: Colin Creed was given a 12 year non-parole period—quite an extensive non-parole period—which was not considered sufficiently high by this Government. This Government appealed and it was changed to a 17 year non-parole period: it was increased by five years.

The case of Mr von Einem is before the court, so I will not make any comment other than to state the fact that he was given a 24 year non-parole period—a record in this State, and probably a record in Australia. This Government has instructed the Crown Prosecutor to appeal against that non-parole period. I do not know the outcome of that and I do not wish to comment any further because it is before the courts, but it illustrates clearly this Government's commitment to ensuring that the sentences of prisoners for the most outrageous crimes have increased dramatically from that which happened under the old parole system.

One other effect of the change, while we are making comparisons, is that the people who are now in the system and who were sentenced before 1983—lifers sentenced to life for murder—support the Hon. Mr Griffin and Mr Olsen. They do not as yet have a non-parole period. They asked me to go and talk to them at Cadell, and I did so. There must have been a couple of dozen in the meeting. They said, 'We want the old system back. We think that it is grossly unfair that we were sentenced under one system and that you have changed the rules to our detriment.' I said, 'Well, that is just too bad, and you will not get out of prison until you front the court for a non-parole period.'

One of their number was there who had recently sought a non-parole period. They stated clearly to me that they did not want to go back to the court because under this new system the court would make them stay in gaol a lot longer than the Parole Board used to. I said, 'That may well be the case, but, if so, that is too bad.' So, the Hon. Mr Griffin and Mr Olsen have some supporters. They are sitting there at Cadell: they have committed their murders.

The Hon. C.M. Hill: They have some supporters outside, too.

The PRESIDENT: Order!

The Hon. C.M. Hill: Talk to the man in the street: he is sick and tired of it.

The PRESIDENT: Order! This is a censure motion and we will hear the Minister in silence.

The Hon. FRANK BLEVINS: It is much more than that: it is my job. So, those lifers sat there in Cadell and told me clearly that they would not go back to court under this new system because they felt disadvantaged in comparison with their treatment under the old system. They want to front the Parole Board, many years after their crimes were committed, and they believe that they can convince the Parole Board that they should be released. They are the people with the most at stake in this. I accept their word that they prefer the other system. So, the whole question of parole is one of perception. I concede that the perception by the public of the parole system, whether the new one or the old one, is very confused, indeed. That confusion will be exploited by the Opposition in the absence of anything more constructive to put forward.

It is said that people have short memories in politics: if it happened last week, that is history and no-one remembers. But I would like everybody to remember what the correctional services area was like from 1979 to 1982—the period of the previous Liberal Government. The whole area was a total, utter shambles and an absolute disgrace to a civilised society. I do not entirely blame the previous Government: there had been many years of neglect, without a doubt, in correctional services and, to some extent, the previous Government was picking up the bill for all those years of neglect, by both Liberal and Labor Governments, and I have never said anything other than that. We should remember what it was like. There were riots in the prison constantly; there was gross overcrowding in a number of the prisons.

The Hon. M.B. Cameron: You fixed that.

The Hon. FRANK BLEVINS: We are fixing it. Go down Currie Street and look: it is growing daily. Sentences were totally inadequate and the whole of South Australia was in uproar about the inadequate sentences, and this was conceded by the Hon. Mr Griffin in his contribution: that in recent years the sentences have increased. There were drug gangs in Yatala which, to enforce their rights and maintain their supplies and customers, imported guns into Yatala and fired them. They shot people in the Yatala prison.

The Hon. C.J. Sumner: When was this?

The Hon. FRANK BLEVINS: Between 1979 and 1982.

The Hon. C.J. Sumner: Was Mr Olsen the Minister then?

The PRESIDENT: Order! I intend that this debate will be conducted in reasonable silence. I ask the Minister to proceed.

The Hon. FRANK BLEVINS: Thank you, Mr President. In fact, we got to such a farcical situation in the prisons in this State that some people apparently broke into Yatala and released Tognolini—an amazing series of events occurred.

There was the resignation. The events were so bad in that period that the Minister resigned completely and got right out of the Government. Members should cast their minds back to the reasons for what occurred, and the reasons were many. The principal reason the prisons were in such a state during that period was that the Government had lost control over the prison system—over the whole system of correctional services.

For example, we have the unions saying that they were in control—the prison officers—because there was a vacuum and they filled it. Whoever was in control, it certainly was not the Government, and one thing I resent today is the kind of remark made by the Hon. Mr Griffin saying that, in effect, we bought peace in the prisons by pandering to prisoners.

The Hon. R.I. Lucas: Quite right.

The Hon. FRANK BLEVINS: I want some examples of that, because no prisoner obtained anything from me or this Government that the prisoner was not entitled to under the law. There have been no demonstrations, no sit-ins or protests that have gained the prisoners anything at all, unless it is something to which they have been entitled, with one exception. As Minister I was persuaded to alter the accommodation arrangements for one prisoner.

The Hon. C.M. Hill: They just ring you up on the red phone.

The Hon. FRANK BLEVINS: The Hon. Mr Hill should let me finish. At one time I was persuaded to change accommodation arrangements. Arguably, the prisoner was not entitled to be in that accommodation. However, probably against my better judgment (for the first time in my life I weakened), I shifted that prisoner and suggested that he should have different accommodation. Some might argue that that prisoner let me down. However, I moved that prisoner because of strong written and personal representations made by his local member. Those representations certainly persuaded me and, if he persuaded me, then the local member is not a bad talker, as he is the first person who has done that in 46 years. Nevertheless, that is the only prisoner who got anything out of me, and he was a constituent of a Liberal member in another place who was a very good talker. Fortunately, no harm was done, although the situation reinforced my belief that I should stand on my own judgment, Liberal members of Parliament notwithstanding.

The Hon. Mr Griffin talks about a review. I stated in this Chamber many months ago (I have not bothered to look up the exact date: I am sure the Hon. Mr Griffin can do that if he wishes) that we were reviewing legislation: we are constantly reviewing it. Already we have had two amendments introduced to this Chamber to the Correctional Services and Prisons Acts. It is nothing new and, as anomalies appear in the Act or undesirable features appear, they will be changed. I stated this clearly in this Council, and the Premier has stated it in another place.

I am not sure why the Hon. Mr Griffin and Mr Olsen suggest that the Government should review the Act: we are already doing that. What we are not doing is responding in a knee-jerk way to this cheap headline hunting by the Opposition that may create more problems than it solves. As we move to amend the Correctional Services Act, as we will be doing from time to time, it will be in a considered and sensible way. When the Opposition calls on us to do this—and we have already stated that we are doing it, and it gets boring restating it all the time—we always ask the Opposition what it would do.

The most we have heard from Mr Olsen—we have heard nothing from the Hon. Mr Griffin who refuses to tell us—is that he will review the area. We are entitled to more than that. The people of South Australia are entitled to know precisely how the Opposition will change the parole provisions or any other aspects of correctional services. Let me say this: in the unlikely event that the Opposition wins the next election—

Members interjecting:

The Hon. FRANK BLEVINS: I am happy to tell the Opposition now what will happen: I will predict now what will happen to the Correctional Services Act—next to nothing. Next to nothing will happen to that Act, because everyone in the Opposition knows that basically it is a sound Act and a sound scheme. Indeed, the majority of the legislation was introduced by the Liberals, with our support. The legislation is basically sound.

The Hon. K.T. Griffin: The parole system is different.

The Hon. FRANK BLEVINS: The Hon. Mr Griffin interjects and says the parole system is different. I have gone through all that, and I am happy to go through it again. All I can say is that the Hon. Mr Griffin should tell us what he is going to do with the parole legislation. Is he going back to the previous system? If he does, if he makes that announcement—and he has been silent so far—I would be interested. I have asked several times over the past few months whether he is going to change it and whether he will have some support. The support he will receive will be from those lifers without a non-parole period, those lifers who do not want to go back to court because they know what the court will do to them and they know what we will do if we believe the court has not done enough. They support the Hon. Mr Griffin and Mr Olsen but, of course, that will not happen, because basically the system is supported by everyone.

Another aspect of correctional services concerns me. Certainly, it is something I would prefer to debate rather than handle in this kind of publicity stunt. We have a situation in society today where, for a whole range of reasons, the position is most disturbing. We have high unemployment, and some people would argue with some validity that it creates the kinds of problems that see people finishing up in our correctional services area. How are we going to handle that? If everyone is not to be put back to work, for example, many young people will not be put back to work, what will we do in regard to the problems created? I assume that the Hon. Mr Griffin says that we should legally bash them and put them away, and that is the end of it.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Griffin gives that impression strongly. If that is not so, he should apologise to us. Certainly, I do not attribute those attitudes to all members of the Opposition, because I know basically that the legislation we have and what we are trying to do in this area is supported by the overwhelming majority of members of the Opposition. However, when are we to get rational debate on the real problems that we are trying to wrestle with in correctional services? We do not have that rational debate. We do not have that rational debate in the community: all we have is this kind of diversionary tactics by the Opposition (and possibly by the Opposition in 1980) around the correctional services area: we want the cheap headline, we want the cheap fix, we want our name in the paper, we want to run a law and order campaign; we will look at the next opinion poll that shows law and order is

there on top. Let us get stuck right into it. However, we have to debate about dealing with the reality. Let me say this: correctional service is just not about locking people up—it is about attempting some behaviour modification.

The behaviour that those people have exhibited is unacceptable in the community. All of those people come from our community, so perhaps we should look at ourselves as well. More importantly, each one of those prisoners will come out of prison at some stage (except for the few who die there) and they will live next door to you and me. They will come into our community, and unless we have done something substantial with them in prison, we will have to turn our homes into armed camps, as has happened in the Philippines. If we are to imprison people, throw away the key, do nothing with them except abuse them in the privilege of Parliament, we can do nothing to rehabilitate them. That kind of issue should be the subject of debate in regard to correctional services. I despair completely of ever having that rational debate here in South Australia.

Fortunately, such debate occurs in other places: it is rational and non-political and it brings results in other parts of the world. That certainly does not apply in South Australia. Oppositions might win on this topic and Governments might lose, but the real losers when correctional services is brought into the political arena for cheap headlines are people in the community, and that is to be regretted. I am sure that all members will be delighted to know that I will certainly not be resigning, and I fully expect that all members of the Council, while not unanimous in practical terms, will be unanimous in spirit in defeating this motion of no confidence.

The Hon. I. GILFILLAN: We will oppose the motion. I am sorry to say that the Opposition has gained no admiration from us for riding what is a very convenient political band waggon. It is a very simple exercise to play on the fears of the general public. People are understandably nervous about offences in our society, and to employ the easy trick of waving fear and horror in front of members of the public in an attempt to build up political points is completely irresponsible in an area where we as politicians should be showing the utmost integrity and honesty in a scrupulous attempt to avoid sensationalism of any sort. It is a most unfortunate blot on the reputation of the Liberals that they make this issue so much of a political flag and to wave it in front of the public of South Australia.

The reform of the parole legislation was essential. It was introduced at a stage when the situation at Yatala was largely out of control. There was a devastating fire and complete chaos. Since then I have personally continued relatively substantial conversations with the correctional officers, the Manager of the prison, people who work there in a social welfare capacity, and some of the prisoners themselves. It is unanimous that reform to the parole legislation was essential if Yatala was to be controlled. It may well be that there is some discontent that prisoners who received a sentence prior to the reforms were subject to treatment that was different to the treatment for those who were sentenced after the reforms regarding the actual time served in prison. If there could possibly be any argument to support holding up the legislation because of that situation it is completely eliminated when one considers that those who were asked to control the prison and to keep in check those who society decided should be put away found that that was an impossible task. They had lost control: they were beseeching the Government to provide means of exercising discipline and a means of control over the people whom they were expected to handle on our behalf.

The current system has been criticised, especially in relation to recidivism and people on parole reoffending. Of course, that occurred before the reforms, and I am not certain that, if we went back to the old Parole Board system under the old legislation, I could guarantee that there would be less recidivism or fewer offences against the legislation. I am aware of the climate in our prisons and the sense of justice both in relation to those who receive sentences and those who care about the equity of justice being dispensed. Many people would not be happy if we returned to the old system. I understand that the shadow Attorney-General has promised that a Liberal Government would revert to that system. The Minister accused him of not indicating what the Liberals intended, but I understand that he said quite clearly that a Liberal Government would revert to the old parole system.

I do not believe that any parole system is the complete answer, and my views are confirmed by a leading correctional officer at Yatala to whom I spoke this morning. I believe that that officer speaks for a majority of those who are working as correctional officers at Yatala: they say (and I completely understand the logic of their views) that no parole system is the full answer for the proper control of prisoners at Yatala and that a maximum security prison must be established so that the uncontrollable and disruptive prisoners can be properly handled and separated from other prisoners for an appropriate time. That is a demand on any Government in power, either this Government or the Government that is elected following the next State election.

In reply to those who feel that the present system is an ice cream and lollies arrangement with the prisoners and (to quote the shadow Attorney 'pandering to prisoners'), I was told by the correctional officers to whom I spoke that this very day seven general conduct reports are before the Manager, and prisoners will lose remission. Last year 1 500 days of remission were lost. So the instrument of discipline and effective behaviour control at Yatala that was afforded to the management because of the reforms is being used substantially. Prisoners are losing their remission time and consequently they are serving more time in prison. I believe that the concluding remarks of the Minister encapsulate something that should be before all of us in this Council.

The Hon. K.L. Milne interjecting:

The Hon. I. GILFILLAN: Yes. It has been implied that prisoners will now serve only two-thirds of their non-parole period. From the statistics given to me, I believe it is quite clear that in many cases prisoners are serving more than two-thirds, because they are losing remission due to behaviour or in some other way. Therefore, many prisoners are serving more than two-thirds of the sentence.

The Hon. Frank Blevins: Two-thirds is a minimum.

The Hon. I. GILFILLAN: That is correct. I believe that we must bear in mind that prisons have a particular purpose—to remove from society those whose behaviour is unacceptable. One hopes that prison is also a place of rehabilitation to some degree. Unless the climate and the atmosphere within the prison system are constructive and amenable to improved social attitudes of the prisoners, it does not matter whether the parole period is extended, or whether the prisoner spends the whole of his sentence time in prison: we will be inflicted with people who are anti-social, and we will have to suffer the consequences of anti-social behaviour. There were good reasons why the parole legislation was introduced, and that measure should be supported. There were some minor anomalies in the change-over period, but they will fast disappear as prisoners are released. The motion before the Council is a disgrace to the Liberal Party in that it plays on the emotions of the public.

Conley will have served 3½ years of a minimum non-parole period of four years. He still has the complete term of his prison sentence, with all its restrictions and implications, hanging over his head. It was remarked earlier, and

this is worth repeating, that there has not been a real effort to educate the public about what the penal system means to them. That makes it even easier for members of the public to misunderstand the situation. The terms of prison sentences, parole and non-parole are virtually gobbledegook to most people because it has not been clearly explained and there is a misunderstanding about it. I believe that we are moving through that period of changeover rapidly and with very little distress. Therefore, we oppose the motion.

The Hon. R.J. RITSON: I support the motion. I begin by saying how disappointed I was at the attitude displayed by the Minister during his opening remarks. Late in his speech he pleaded for rational debate. He did that following the extremely rational and lucid remarks of the Hon. Mr Griffin, remarks that stuck entirely to the issue. What did the Minister do? He started by making cryptic partisan remarks about the internal administration of our Party—that is how concerned he was about the real issue.

The Hon. Anne Levy: He didn't mention your Party.

The Hon. R.J. RITSON: Yes, he did, by necessary implication.

The PRESIDENT: Order! The honourable member should address his remarks to the motion and not to the Minister's attitude.

The Hon. R.J. RITSON: It is important to dissect some of the intellectual fallacies that appeared in the Minister's speech and I must ask your latitude and protection, Mr President, to address myself to some of the defects in his reasoning. First, I remind the Council of the fundamental principle involved in parole. Parole is not a process of sentencing but a process of rehabilitation and mercy. When a judge pronounces a sentence, he looks at the punishment the kind of crime deserves and then, having regard to all of the factors surrounding a particular crime and a particular criminal, pronounces what is known as a head sentence, namely, a punishment that that particular criminal deserves. He thereby fulfils the requirements of justice.

Under the old system there was a system of parole which was discretionary and which fulfilled the functions of mercy and rehabilitation. The old system recognised that the judge, when pronouncing the head sentence (when pronouncing the punishment deserved by a particular criminal), could not with a crystal ball foresee years or decades down the track and decide for himself that far in advance the date on which such a person might be rehabilitated or might be deserving of mercy. That was left to a body called the Parole Board, and the parole was discretionary.

When the Liberal Government introduced the requirement that a non-parole period be set that certainly ensured that unreasonably short sentences were not served. Nevertheless, the Hon. Mr Blevins in saying that we set the system in motion is ignoring the fundamental difference that under our system parole was discretionary not mandatory at the end of that period. When the Labor Government introduced its amendment to produce compulsory release at the end of the non-parole period, thereby taking away all of this discretionary power that the Board had, the judges, I think erring on the side of public protection, immediately began to double non-parole periods. Had I been a judge I would have felt uncomfortable about that. I would have felt that I would much rather that a Parole Board decide in five or 10 years time whether a person was suitable for release rather than my having to guess at what that person's social and psychological status would be like at that time. If I were a judge, I would feel that crystal balls do not work very well, even in 1985.

However, that system was thrust upon the Judiciary, so out of an abundance of caution they began to double non-parole periods. Here, of course, we have a situation that has the worst of both worlds because in many cases a prisoner may be fit for release before the long non-parole period and unnecessarily suffer this extra degree of detention. On the other hand, another prisoner may need to be detained for longer than the non-parole period in the interest of public protection, and yet release is compulsory. What the amendments introduced by the ALP mean is that we get the worst of both worlds. The system is unfair to people who could be paroled earlier and who do not get paroled earlier because the Judiciary felt the need to increase the non-parole period; it is unfair to the community when people who should be detained longer are compulsorily released.

The Minister made very rubbery use of figures during his speech. Let us talk about his concept of recidivism. The quality of reasoning that he employed on this subject is akin to saying that butter costs $1.50 without saying the quantity of butter that costs that much. He has left that part out of the equation. I do not know what he means by recidivism. It can mean how many former prisoners per annum commit a particular crime, although I am not sure. It can mean that in his mind, because he is producing figures based on a period of time well short of a year since the beginning of operation of the Act. I do not know whether he is talking about the recidivism rate per week or per day, but unless we know what we are actually talking about when talking about recidivism we have to specify the time period within which a person is labelled a recidivist.

Is a person a recidivist if he reoffends in a year? Is he a recidivist if he ever in his lifetime again breaks the law? Is he a recidivist if he commits the same crime again but not a recidivist if he commits a different crime? Is he a recidivist if he commits a crime that falls into a particular general category? None of these questions were answered by the Minister, who merely claimed an extremely low recidivism rate in the first few months of operation of this legislation. If he looks at gross figures he will probably discover, if he is talking about recidivism as being ever reoffending again, that about 60 per cent of former prisoners will find themselves before the courts again at some stage.

Is the Minister talking about reoffences of any kind but within the parole period? I think that the Minister needs to be much more specific in his terminology and needs to explain to the Council very carefully, and with some statistical credibility, what he means before making bald statements that recidivism is reduced under his system. He implied some very wrong interpretations when claiming that under the new system people are serving longer sentences. He referred to a mean life sentence as having been about eight years and said that now it will be much longer because of the new system and the longer non-parole periods. The Hon. Ms Levy will understand the difference between means, modes and mediums. If one looks at the most common life sentence, and the figures for males, one finds that it is much greater—about 14 years. The other factor that pollutes these figures is that one cannot tell until people are released how long they have served and a life sentence can be a long time.

So, one cannot really reliably examine the statistics of any particular cohort of prisoners until enough time has passed for them all to have been released or died. It is not possible to obtain any meaningful figures for people convicted later than about 1965. Therefore, it is not legitimate for the Hon. Mr Blevins to imply that during the past few years, or during the Tonkin Government, these life sentences were shorter than they will be during the next decade.

The other thing which distorts the interpretation of these figures is the fact that a number of people die in prison while serving life sentences. Had they not died in prison they would have remained in prison longer. Yet, statistically,

they appear as releases and distort the figures. The fact is that if one were a male person convicted of murder before about 1965 one would have expected to serve about 13 years in prison. I wish the Hon. Mr Blevins would be a little more careful in the way in which he employs statistics.

The Minister went on to say that imprisonment is not about locking people up and throwing away the key, but it is about getting people out, back into the community and rehabilitated. On the one hand, the Hon. Mr Blevins is arguing for shorter custodial detention in certain cases that are rehabilitable. He then boasts that people are serving longer sentences now, and presides over a system that gives no discretionary power whatsoever to determine who should be got out early and rehabilitated and who should be detained longer.

I am extremely concerned about another matter which is very relevant to the current system of parole, that is, prisoners who are mentally abnormal. Throughout the world it is a fact that people who are mentally abnormal and people who would be legally insane find themselves in prison instead of in hospital. This happens in many cases because an accused does not wish to take such a defence. For example, if an accused is facing a charge of causing grievous bodily harm his counsel may advise him that he is likely to get a sentence involving a one year, two year or three year non-parole period and that the mean detention for people who have successfully pleaded insanity is six years. Therefore, nothing will be said about the psychiatric history and that person will find himself under sentence instead of under detention at the Governor's pleasure.

The problem is that now a prisoner, at the expiration of the non-parole period, will be released regardless of his mental state. People find themselves in prison in circumstances in which they were unfit to plead and were not aware that they were ever on trial. There are people in prison with psychiatric disturbances who are dangerous sex offenders, but the evidence was not ever raised or the diagnosis did not become apparent until the person had been in prison for some time.

Under the system that the Hon. Mr Griffin instituted as Attorney-General, the courts certainly imposed this non-parole period in every case where they had not been required to before, but the discretion was there; the person who was deemed to be fit for early release was not unjustly kept for twice the length of time, but the person who was discovered to be dangerous and almost certain to reoffend was kept for the full length of the sentence in the interests of community protection and, in many cases, in the interests of treatment of that prisoner in the hospital psychiatric unit.

In blind ignorance of those complexities the present Government has said, 'Let us have the worst of both worlds: let us have longer minimum detention for people who might be rehabilitated earlier and let us ensure the automatic release of people deemed by the prison authorities to be certain to reoffend and be a danger to the community.' I do not think that we have seen any signs of applications by the present Government for the extension of a non-parole period. I do not know whether the Hon. Mr Griffin can let me know of any instances. I have not heard of any.

The Hon. Anne Levy: Von Einem, to begin with.

The Hon. R.J. RITSON: Any others? How many applications have there been to extend the non-parole period of people who are imprisoned and whose automatic release is pending? The Hon. Ms Levy's interjection was an appeal against the length of the non-parole period. We are talking about people who are in prison and whose release is impending where there is provision for the Government to apply for an extention of the non-parole period, but I do not think it has ever happened. No more can be said. It is a terrible system, the worst of both worlds, and I ask the Council to censure the Minister for treating the matter so superficially and presiding over such a disaster.

The Hon. C.M. HILL: I support the motion. The Minister's defence of his position was quite pitiful. He roamed far and wide on the whole correctional service system and historical events in which he was involved on coming to office. The main thrust of this motion is the public confidence that is lost in him and his Government because of the parole system. We have had the example quoted today of a Mr Conley, a heroin dealer who was sentenced to 15 years gaol and in the past few days has been released after serving three years.

The Hon. K.T. Griffin: Out the back door today.

The Hon. C.M. HILL: Out the back door today after three years, and the Minister does not do anything about it.

The Hon. C.J. Sumner: You didn't appeal during your time in Government.

The Hon. C.M. HILL: That is absolute rubbish. The Attorney-General knew the position last week. Conley's position was raised in this Council. The Minister did not do anything about it. In today's newspaper, the following report, referring to the Minister, appears:

> ... a study was being carried out on the effects of the new parole laws. He said the Government was on record as saying that if changes were needed they would be made.

The Hon. C.J. Sumner: Hear, hear!

The Hon. C.M. HILL: The Attorney-General says, 'Hear, hear!' Both he and the Minister of Correctional Services were satisfied with the situation of Conley. That proves to me that the parole system is in tatters. If one goes out in the street and asks the public of this State what they think of the parole system, when a gentleman like Conley gets out after three years when serving a 15 year sentence, one will find that the people agree that the system is in tatters and the Minister should get out and somebody else come in who can use a firm hand and do something to put the situation in order. The Hon. Mr Cameron earlier today said that in the first 12 months of the Government's system of parole one in five people released on parole had reoffended. There is a complete lack of confidence by the public in this Government and the Minister on the question of parole. Also in today's newspaper, under the heading 'Escapees were given remission' the following report appears:

> Six prisoners involved in a violent escape from Yatala prison last June had all received 15-day remissions on their sentences for that month, the Leader of the Opposition, Mr Olsen said yesterday.

The Hon. R.I. Lucas: Good behaviour.

The Hon. C.M. HILL: Yes, good behaviour. One can imagine the Minister putting 'good behaviour' in the margin when the docket came to be in front of him.

Members interjecting:

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The Council will come to order.

The Hon. C.M. HILL: The article, when speaking of Mr Olsen, continues:

> He told a Police Club luncheon that warders had been shot at during the escape. The matter was one of a number where the new parole system did not appear to adequately protect the community interest.

There is then a comment attributed to the Hon. Mr Blevins, as follows:

> The Minister of Correctional Services, Mr Blevins, said later a prisoner could not be penalised twice for the same offence. The prisoners had been sentenced to extra terms of imprisonment for the escape.

How doctrinaire and stupid can one get, when prisoners break out using violence and shoot at the warders, and the Minister approves of their receiving 15 days good behaviour

in the month in which they get out? The only excuse made by the Minister is that, 'Well, of course, do not forget that their sentences will be increased because they escaped.' Any Government or Minister who lives in that world and will not do anything about that does not deserve to remain in office. I do not think even the Hon. Dr Cornwall would agree that that gentleman Conley should have got out through the back door this morning.

The Hon. J.R. Cornwall: He's no gentleman—and that should be on the record.

The Hon. C.M. HILL: Well, why did not the Government keep him in there? This is happening whilst the Government says that it is carrying out an inquiry into the system and that it will act if it thinks it is necessary. The horse is out of the stable, but the Government sits back and does nothing about it. The Government stands squarely condemned for that attitude.

In the article to which I just referred I was pleased to see Mr Olsen reported as saying:

> Our present parole laws will be made the subject of an immediate and major review by the next Liberal Government. Parole is a privilege, not a right. The Parole Board needs more discretion than it has at present to assess the suitability of prisoners for release back into society.

Members of the public are not just calling out for change; they are screaming for change. Of course, the public are in danger as a result of this pussy-footing by the Minister of Correctional Services and the Government.

In the recent cases of automatic release, I notice that in August 1984 a person convicted of rape was released under that programme and that three months later he was again charged with rape, and he was also charged with murder. Of course, some of us are aware of another case involving a person charged with the attempted murder of a police officer. However, with these serious facts confronting the Minister, all he can say is, 'Let us think about the history of correctional services; let us look at the problems with which we were faced in the gaols, and let us always remember that we should keep politics out of this.' Members of the public are not immediately concerned with the case of Tognolini, who got out of prison because someone broke in. Members of the public are not concerned with historical information: they simply do not want the parole system to be seen as being in tatters, and they are sick and tired of the Government and the Minister. Therefore, I strongly support the motion and believe that the Minister should resign forthwith.

The Hon. C.J. SUMNER (Attorney-General): The Opposition has not put up any substantive case for the Minister of Correctional Services to take any action, except to remain firmly in his place as Minister. Indeed, rather than a motion of no confidence being moved against him over the parole legislation, if anything the Minister should be congratulated on the manner in which he has performed his duties as Minister of Correctional Services since taking that office in January 1984. As has been pointed out, one has only to compare the record of the present Minister in his 15 months of tenure in office as Minister of Correctional Services with that of, for instance, the Hon. Mr Hill's colleagues. The Hon. Mr Hill made a reasonable fist as Minister of Local Government and in his other portfolios when his Party was in Government, but he found that he was in the same Cabinet as Mr Rodda, who caused absolute chaos and disaster in the correctional services system (if he did not cause the chaos, he at least presided over it). That was continued by the present Leader of the Opposition in another place, Mr Olsen.

The situation in the prisons between 1979 and 1982 was quite chaotic. The Hon. Mr Hill, as a member of that Government, must take some responsibility for that. What happened during that period has been pointed out. Since the Hon. Mr Blevins took over as Minister of Correctional Services, I think, on the whole, there has been a distinct improvement in the administration of correctional services in this State, and a distinct improvement in the administration of our prison system. As the Hon. Mr Blevins has said—but apparently honourable members opposite will not concede, despite their experiences from 1979 to 1982—the prisons portfolio is traditionally very difficult. Difficult issues and emotional issues are involved and all one can say—

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: I think that has always been accepted. All I know is that, during the Liberal Party's period in Government, despite the difficulties, the correctional services area was not handled particularly well. The end result was chaos in the present system. I believe that at this stage the Opposition is using this motion as a kind of diversionary tactic. When they are in some kind of difficulty, honourable members opposite always tend to resort to issues of law and order. Of course, they do not debate the issue in any rational way. All honourable members opposite, including the Hon. Mr Griffin, have attempted to parade a list of cases; they have attempted to individualise cases and, therefore, draw conclusions about the parole system. The fact is that in essence the present parole system is reasonable and deserves support from Parliament.

During the 1970s the Mitchell Committee recommended a system of judicial parole, that is, where the Judiciary, not the Parole Board, is responsible for the release of prisoners on parole. To a reasonable extent the present system introduces a system of judicial parole. The question of sentencing is rightly one for the courts, within parameters laid down by the Legislature, and that is not in dispute. The question of sentencing is one for the courts system and the Judiciary. The Judiciary takes into account the seriousness of the offence, the individual circumstances of an offender and the past record of an offender before imposing a sentence. That is an accepted system. In addition, the courts have been given clear authority to fix a non-parole period knowing that a prisoner will be released at the expiration of that non-parole period, provided the prisoner is of good behaviour during his prison term.

Judicial parole was recommended by the Mitchell Committee. The present system is not exactly the system recommended by that committee, but it does repose with the Judiciary the sentence that is to be imposed and the non-parole period that is to operate. It seems to me that that is not an unreasonable system. It leaves it—

The Hon. R.J. Ritson: It is nothing like the system recommended by the Mitchell Committee.

The Hon. C.J. SUMNER: The Mitchell Committee recommended that the Judiciary be responsible for release on parole.

The Hon. R.J. Ritson: In the future—at the time of release, not at the time of sentencing. It does not require a crystal ball.

The Hon. C.J. SUMNER: I did not say that is was the same as the Mitchell Committee recommendation. I said that the Mitchell Committee recommended judicial parole. What we have now is not exactly the system the Committee recommended.

The Hon. R.J. Ritson: It is fundamentally different in principle.

The Hon. C.J. SUMNER: It is not fundamentally different. We have the question where the Judiciary is responsible for setting non-parole periods. That is a perfectly reasonable system, which introduces certainty into the system, that certainty being imposed or adjudicated on by the Judiciary.

The Hon. R.J. Ritson: Do you believe yourself on that?

The Hon. C.J. SUMNER: The Hon. Dr Ritson apparently does not realise that the system operating in South Australia is similar to that which operates in almost every other State in Australia, including the Liberal States. It has operated for many years in Victoria, including under a Liberal Government. It has a number of advantages to it, which have been outlined by the Minister of Correctional Services and by the Hon. Mr Gilfillan in the debate. So, the system in essence is perfectly reasonable: it gives the Judiciary the responsibility for setting the sentence and for determining in effect the non-parole period. That seems to be not an unreasonable situation for any system of parole. It gives an incentive to the prisoner to behave in prison because he knows that if he behaves there is a definiteness about the time when he will be released. All of that, it would have to be conceded, is desirable in the correctional services system.

The new parole legislation, combined with the other initiatives that have been carried forward by this Minister, have improved markedly the situation in the correctional services area. I do not think that anyone could deny that. The problem that has arisen in this case is the transitional situation of moving from one system to another and, clearly, some problems have had to be addressed in that transitional period. The Minister has already indicated in this Council that the parole system is being kept under review: a study is being carried out on the new system, but the preliminary statistics that we have indicate that there is a substantial increase in the non-parole periods being imposed by the courts and that, with respect to the persons sentenced to life imprisonment, there is an increase in the period that those people are to spend in prison from what occurred under the previous system. Those are the preliminary indications from the Office of Crime Statistics on the new parole system. We will be able to assess with more accuracy the effect of the new parole system on prisoners and on the system generally as more and more evidence becomes available, but the system is under review and will continue to be reviewed.

It may be that there will need to be some fine tuning of the system: there is no argument that that may be necessary. There never has been any argument about it, but I do not think that honourable members opposite, Parliament as a whole, or the community, if they look at the core of the system that has been introduced, can complain very much about it. As I said, some fine tuning may be necessary: it is clear that there are some problems in the transitional period, but we should look at the basic system. If honourable members do, they will see that, on the whole, it is a reasonable way of dealing with this very difficult situation.

As I said before, when the Liberal Party gets into trouble it tends to turn to law and order as one of the issues on which it likes to attack Governments or on which it likes to run election campaigns.

The Hon. K.T. Griffin: Why did you not apply for an extension of non-parole period for Conley and Kloss?

The Hon. C.J. SUMNER: The advice given the Government was that, with respect to Conley, it was unlikely to succeed.

The Hon. K.T. Griffin: You were confident of it back in December 1983.

The Hon. C.J. SUMNER: I may not have addressed myself to Mr Conley in 1983. I do not know why the Hon. Mr Griffin did not appeal or instruct the Crown to appeal against the non-parole period that was awarded to Mr Conley.

The Hon. K.T. Griffin: I have answered it.

The Hon. C.J. SUMNER: The honourable member has answered it, but not very satisfactorily—four years in a head sentence of 15 years! I do not know whether he got any advice: I suppose that I should have checked on whether he got any advice from the Crown Solicitor or the Crown Prosecutor on that matter. He may be able to advise the Council. Clearly, whatever happened, he did not appeal against the non-parole period set in the case of Mr Conley, despite the fact that the head sentence was 15 years and the non-parole period, given that head sentence, of four years would on the face of it appear to be very low.

Briefly, I reiterate that if one is talking about the attitude of the Government to law and order issues or law reform, we have a very good record. I have indicated that this parole system with respect to life prisoners will result in all probability, on the figures that we have to date, to an increase in the amount of time being spent in prison by violent offenders: that cannot be denied. To run through briefly some of the other activities that the Government has been involved in, we were very active in and strongly supported the formation of the National Crime Authority when the matter was first mooted by the previous Federal Government and by the Labor Government. We have conducted a major review of rape laws and penalties. We have amended the Evidence Act significantly in relation to rape and sexual assault cases in order to reduce the burden of anguish on victims with respect to corroboration, warning and the evidence relating to prior sexual history. We have reformed the unsworn statement provision to ensure that irrelevant and gratuitously insulting aspersions should not be used against Crown witnesses.

The Bail Act is currently before the Parliament with the aim of reforming the provisions relating to bail. It allows for appeals to be made against the granting of bail in certain circumstances. It might have been appropriate recently in another jurisdiction. We have increased the penalty for the possession and sale of prohibited drugs and drugs of dependence to a maximum fine of $250 000 and 25 years imprisonment. The courts will have the power to forfeit the property of persons convicted of major drug offences. There is, as honourable members know, currently before the Parliament legislation to amend the Police Offences Act and to give police clearer powers in certain areas and to increase penalties that have not been touched for 30 years. With respect to the important question of the attitude that has been adopted to the sentencing policy and sentencing discretions of courts, I should say that I as Leader of the Opposition in the Legislative Council introduced the first Bill to give the Crown the right to appeal against inadequate sentences.

The Hon. K.T. Griffin: It was in our 1979 policy and it was not in yours.

The Hon. C.J. SUMNER: The honourable member has interjected and said that it was in his Party's 1979 policy, but it was in the 1979 policy outlined by the Labor Party prior to that election. I introduced the first Bill to give the Crown the right to appeal against inadequate sentences. The honourable member did not proceed with that Bill, but decided later to introduce his own Bill, and that was passed in 1980. During the remaining two years of the Liberal Government—that is, in 1981 and 1982—or at least from the time the legislation was proclaimed until November 1982, that Crown right of appeal against lenient sentences was used only 17 times.

The Hon. K.T. Griffin: You have to put it into the context of how many cases there were.

The Hon. C.J. SUMNER: It is all very well for the honourable member to say that it is a matter of looking at the number of cases, but from July 1983 to June 1984 in the period of this Government 44 appeals were instituted by the Crown against lenient sentences. The figure now is probably about 60 Crown appeals against lenient sentences taken by the Attorney-General in this Government compared to the period when the honourable member was Attorney-

General from 11 December 1980 to November 1982 (two years) when only 17 Crown appeals were instituted.

The Hon. K.T. Griffin: That does not prove anything.

The Hon. C.J. SUMNER: I point out that in the case of Mr Creed that was dealt with by the court and the recent case of Mr von Einem the matter did go to appeal by the Attorney-General against the sentence imposed. To suggest that the Government is not concerned about violent crime and about the level of sentencing being imposed by the courts, particularly in the case of violent crime, is nonsense. We have taken action in a number of areas, as I have indicated, with respect to the Police Offences Act, with respect to reform of evidence in rape trials and sexual offence trials and, in particular, by adopting an activist role in the Crown or the Attorney-General appealing against lenient sentences of which there have been a number of prominent examples in recent times.

The Hon. R.J. Ritson: That is much more important once you introduce automatic release. As long as you have—

The Hon. C.J. SUMNER: The honourable member interjects. All I am saying is that the Crown's right of appeal existed under the previous Government but was not used much.

Members interjecting:

The Hon. C.J. SUMNER: It was not used in particular with respect to the case of Mr Conley. Because it reflects the concern that I have as Attorney-General, and because it reflects the legitimate concern of the community and the concern of the Government about violent crime and about the level of sentences being imposed in particular for violent crime, there has been a very active approach adopted to Crown appeals against lenient sentences.

Overall, the Government has taken a number of significant issues into account in the area of law reform, in the area of ensuring that people are properly protected when going about their business, and are protected, in particular, from acts of violence. The parole system, when it is analysed as it will be over the next few months, will show that prisoners, and particularly violent offenders, are spending longer in prison under this system than under the previous system, and that it does have some advantages for the system as a whole by introducing certainty into the way that the system operates. Therefore, I ask the Council to reject the motion.

The Hon. K.L. MILNE: I was not going to speak in the debate but, as it has dragged on, I have decided to crystallise in my own mind, if not in the mind of the public, what this debate is really about. The issue is very simple.

The Hon. Peter Dunn interjecting:

The Hon. K.L. MILNE: My dear child, we are discussing something else. The non-parole period is now a very simple calculation for the court. It can fix a minimum non-parole period, add 50 per cent to it and determine the sentence. Then 33 per cent of that sentence is subject to remittance based on good behaviour, and that brings the sentence back to the original court decision in regard to the non-parole period. If the court wants the accused to serve six years for certain, then the sentence is nine years. One third of that (or three years) is subject to remittance and the prisoner, subject to good behaviour, would serve the six years that the court thought was fair in the first place.

This is a minimum non-parole system, and was a strong request from prisoners themselves and especially strong from correctional service officers. The requests were made at a time of absolute chaos in the prison system. Prisoners wanted to know for sure how long they had to serve and now they know for sure.

The Hon. M.B. Cameron: They sure do!

The Hon. K.L. MILNE: Thank you; I am glad the honourable member agrees. As a result of this scheme I understand that behaviour in the prison system has improved considerably, that is, behaviour inside the prison system. The system has not been discredited by any means, and it has been operating for only a little over a year. During that time preliminary statistics show that there has been an increase in sentences from the courts, which the public wanted; there has been an increase in the non-parole period, which the public wanted; and there has been an increase in the time served by life prisoners, which the public also wanted. Already there has been a big improvement, and I do not know what the Opposition is bellyaching about when the system is an improvement. Certainly, I am sorry that the Opposition has wasted two valuable hours of the time of this Council. I am not interested in what previous Governments did, whether they be Labor or Liberal Governments. However, I am interested in the effect of what this Government has done, and it seems to have been effective.

We had a part in it. We are not ashamed about introducing amendments in regard to retrospectivity, as one could not work the system without it and prison officers begged us to introduce that amendment. The Government agreed to it, and that change has caused much of the improvement in behaviour. They are additional reasons why I do not support this motion, which is a political trick.

The Hon. M.B. CAMERON (Leader of the Opposition): I must thank the Hon. Mr Milne for showing one thing—that he does not understand what is happening out in the community. It is unfortunate that he has not spent more time out in the community because then he might understand the real fear that people now have of how this system operates. One of the great problems in regard to the stand of the Australian Democrats in this whole matter has been that they seem to regard prisoners as victims rather than the people who are really affected. Somehow the Australian Democrats have become obsessed with prisoners, totally obsessed—and people in the community have been left aside.

Not once did the Hon. Mr Milne or his colleague refer to the problem of people in the community. They spent their whole time dealing with prisoners and their problems. If just once the Hon. Mr Milne referred to the community I might—

Members interjecting.

The PRESIDENT: Order!

The Hon. M.B. CAMERON: How does the Hon. Mr Milne believe people feel who have been affected by prisoners who have been let out and who have reoffended? How does he believe the relatives of the two people who are now dead feel because of the actions of prisoners who were let out early? How do they feel about his attitude? The Hon. Mr Milne should spend more time in the community looking at such problems. The honourable member is irrelevant, because I knew before he started that he would support the Government because he is responsible for the system as much as anyone. Certainly, the Hon. Mr Milne is responsible for the present problem where a prisoner has spent three years out of 15 in prison and is out again without anything being done about it.

The Hon. K.T. Griffin: They can do something—

The Hon. M.B. CAMERON: They do not. The Australian Democrats introduced the amendment, and the Government has to take its responsibility as well as the Hon. Mr Milne, who caused the problem. He must accept responsibility as well, and it might be better if he kept out of the debate altogether because of his attitude. I can understand why the Attorney supported the Minister of Correctional Services, because his was one of the weakest replies to a motion of no confidence that I have ever heard.

Even the Attorney-General kept off the subject almost totally, trying to bring in other matters. The fact is that the parole system has caused this problem that we are experiencing today. This is not a cheap political stunt: it comes from fear in the community—fear of what has happened because of the system that the Government introduced. The trade union tactics that the Minister introduced into the debate were, to my mind, absolutely disgraceful. He has not taken the matter seriously. He has refused to answer the serious problems put to him. The Minister just sat back and allowed the debate to roll over his head. So be it. I suppose that we should be grateful for the Minister's obvious lack of perception of the problem which his Government has created and which he is trying to defend. Well, he cannot defend it, because it is out of control, as has been shown today.

The Minister indicated this morning, I gather, to someone that he should 'get Conley out the back door where no-one can see him; get him out of the way fast', and that is exactly what happened—he was taken out the back door so that no-one could see what was happening. The Minister has offered only pathetic, misleading and mischievous excuses for what has happened. He says that people in the community are confused. People are confused, all right, because they were told by the Minister that the system would be better, that it would be an improvement. But better for whom? It is better for the prisoners not for the people in the community. Has not the Minister any feelings at all for the citizens of this State who have been affected by prisoners reoffending? I point out that 20 per cent of prisoners reoffend.

The Hon. Frank Blevins: What about Mr Worrell?

The Hon. M.B. CAMERON: What about the situation that the Minister refused to answer—prisoners who broke out in the middle of a riot, shot prison officers and got 15 days remission in that month—for good behaviour? Next they will be setting up a rifle club so that they can do better when they try to break out.

The Hon. C.M. Hill: And the Minister defends it!

The Hon. M.B. CAMERON: Yes. What about when part of the prison was burnt down? The Minister says that he has never given in to prisoner demands. Not much! The riot when part of the prison was burnt down—during this Government's term, not during a Liberal Government's term—was the worst riot seen at Yatala. What did the Government do? It rushed through a new system immediately and got it through the Parliament quickly. Why? They gave in to the prisoners and people like Mr Conley, who are now getting their reward—he is out after three years of 15.

But the Minister says that the prisoners got nothing from him as Minister. That is just not so. The Minister says that he had never given in to the demands of the prisoners, but in that case he gave a knee jerk reaction to this problem. The Minister introduced a parole measure in a hurry, and got it through Parliament with the assistance of the Hon. Mr Gilfillan, who has a rather strange obsession with prisoners and not with the community and who, of course, would not listen to anything we said. It would not matter what members on this side said: the Hon. Mr Gilfillan had made up his mind—anything that would help the prisoners could go through and to heck with the community. Now we are seeing the results of that. The Hon. Mr Gilfillan said that it is a sound Act. The Correctional Services Act might well be sound, but the Government has changed the parole system and made the relevant section unsound, and that has caused problems. This is not a law and order campaign on our behalf: it comes from genuine feelings in the community to which the Minister is not listening. People are affected by reoffending prisoners.

We do not operate on the same shallow level of thought on which the Minister obviously operates. We just do not do that. We moved this motion as a serious subject for debate, but the Minister just dismissed it. He might well survive this motion of no confidence, because the Australian Democrats were committed years ago to this line. They must have a huge membership out there somewhere near Yatala—I do not know, but I do not understand their attitude. We will continue to monitor the effects of this parole system, and we will bring back the matter to Parliament. This will not be the last time that we hear about the system, because it will not work. There will be continuing problems, because the Minister is so out of touch with the community and people's fears about the new system. The Government and the Australian Democrats will get their reward at the next election. I urge members to support the motion.

The Council divided on the motion:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Majority of 2 for the Noes.

Motion thus negatived.

ELECTORAL ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929. Read a first time.

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

That this Bill be now read a second time.

Where an electoral redistribution is made under the Constitution Act, the redistribution does not, for obvious reasons, come into force until the general election next following the making of the order for the redistribution by the Electoral Districts Boundaries Commission. It is, however, necessary for the Electoral Commissioner to begin work on the new rolls considerably before this date. This will ensure that the Electoral Commissioner will be able to produce full rolls based on the new electorates almost immediately. This Bill therefore provides that an electoral redistribution takes effect for the purposes of the Electoral Act when it becomes 'operative' for the purposes of the Constitution Act, that is to say, when all appeals against the redistribution have been determined, or the time allowed for appeal runs out, and a further three months has elapsed. This is the point at which it becomes clear that the redistribution must take effect for the purposes of the next general election. If, however, a by-election is called before the next general election, the Electoral Commissioner must, of course, prepare a roll for the purposes of that by-election on the basis of the existing boundaries.

Clause 1 is formal. Clause 2 enacts new section 12a of the principal Act. The new section gives effect to the principle that, except for the purposes of a by-election preceding the next general election, an electoral redistribution takes effect, for the purposes of the Electoral Act, when it becomes operative in terms of the Constitution Act.

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

QUESTIONS ON NOTICE

HEALTH PROMOTION UNIT

The Hon. M.B. Cameron, on behalf of the **Hon. R.I. LUCAS** (on notice) asked the Minister of Health:

1. On what date did officers of the Health Promotion Unit complete preparation of answers to questions asked by me on 29 August 1984?

2. On what date were these completed answers provided to senior officers of the Health Commission?

3. On what date were these completed answers, or a summary of the information contained therein, provided to members of the Ministerial staff of the Minister?

4. On what date were these completed answers, or a summary of the information contained therein, provided to the Minister?

5. Did the Minister discuss such information with any other person and, if so, whom?

6. Why did the Minister not provide these answers to my questions asked on 29 August when they became available?

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

1. 2. and 3. Based on information provided by officers of Health Promotion Services, the Deputy Chairman prepared a suggested reply to the question asked on 29 August 1984. This suggested reply was received in the normal manner in the Minister of Health's Office on 13 September 1984.

4. On or about 15 September 1984.

5. To the best of my recollection, the only 'discussion' that took place about that time was the instruction from me to my Chief Administrative Officer to hold the answers for the time being as I considered that the matters raised were being substantially covered by my replies to the Questions on Notice for 18 September 1984.

6. See answer to 5. above. However, following the honourable member, during the Appropriation Bill debate, inquiring as to when answers to his questions of 29 August would be forthcoming, the original draft replies were re-examined and were being processed, to be made available to him. In the meantime, information emerging from the initial investigations of the internal auditor cast serious doubt on the accuracy of the draft response. To ensure the accuracy of the information to be provided to the honourable member the answers were delayed until my Ministerial statement of 12 February 1985.

HEALTH PROMOTION SERVICES

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

1. On what date was the decision taken to establish the Review into Health Promotion Services?

2. On what dates did Mr Hicks and Professor Kerr L. White agree to serve on the Review Team?

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

1. A personal decision was made by the Minister of Health on the first weekend of August 1984. As I said in my Ministerial statement of 12 February 1985, I wrote in a memorandum to my staff 'I believe the time is right for an independent external assessment of the Unit's operations and budget.' On 24 September 1984, I advised Cabinet of my intention to commission a review of preventive, health education and health promotion services provided by the South Australian Health Commission.

2. On 4 October 1984, the Chairman of the Health Commission wrote to Professor Kerr White inviting him to undertake the review. Professor White agreed to undertake the review on or about 10 October 1984, and a letter confirming the terms of engagement was sent on 22 October 1984. The Chairman had discussions with Mr Hicks on or about 10 October 1984. Mr Hicks agreed to undertake the review and a letter confirming the terms of his engagement was sent on 29 October 1984.

HEALTH MINISTER'S STAFF

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

1. To provide the names, positions and salary level of all members of the Minister's Ministerial staff.

2. Are there any vacancies currently on the Minister's staff and, if so, what positions?

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

1. J. Webb, Press Secretary, $32 917, including 10 per cent overtime allowance; C. Giles, Executive Assistant, $32 917, including 10 per cent overtime allowance.

2. No.

STEWART REPORT

The Hon. K.L. MILNE (on notice) asked the Minister of Agriculture: In view of the fact that the Stewart Committee has recommended the shelving of a black coal fired station at Wallaroo and the construction of a 500 megavolt power transmission line to Victoria instead, does the Minister realise this means that almost certainly this amount of generating capacity will never be built in South Australia and has he considered the effect of this on the heavy construction industry in this State which is desperately in need of work?

The Hon. FRANK BLEVINS: It should be noted that while the Stewart Report recommended the shelving of a black coal fired station at Wallaroo it did so on the basis that it would be preferable to develop a local lignite for base load generation. Interconnection was not proposed as an alternative to black coal: Stewart recommended black coal's replacement with South Australian coal. The interconnection between South Australia and the Victorian and New South Wales electricity grid systems will be operated on an opportunity basis. Exchanges of energy will be made during the course of an operating day where the relative costs of fuels and available capacity permit economics to be made by transferring load between the States' systems; for example utilising Victorian brown coal rather than oil at times off peak load in South Australia.

The distinction must be made between opportunity exchanges and a contract supply. Each State will maintain its capacity to operate independently. South Australia's requirement for new base load capacity in the early and mid-1990s will therefore not be reduced. The works associated with the interconnection will provide the local construction industry with major opportunities. South Australia will fund a substation near Mount Gambier, specific works in respect of a substation at Portland in Victoria, and a 275 kV double circuit link between them, at a cost of $74 million. In addition, ETSA will bring forward a planned $70 million reinforcement of its transmission system to Mount Gambier.

ELECTRICAL WORKERS AND CONTRACTORS LICENSING ACT AMENDMENT BILL

Second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

This short measure seeks to amend the penalties provided for offences against the principal Act, the Electrical Workers and Contractors Licensing Act, 1965, so that they correspond with the penalties in other measures of a similar nature. The penalties have not been altered since 1965 when the principal Act was enacted, and it is clear that the time has come for the penalties to be reviewed and increased. The proposed alterations have been considered both by the Electricity Trust of South Australia and the Electrical Trades Union of South Australia and both organisations support them.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act which prohibits persons from carrying out electrical work or from holding themselves out as electrical workers or contractors unless they are licensed under the Act. The effect of the amendments is to increase the penalty for a contravention of the section from $100 to $500. Clause 3 amends section 13 of the principal Act which provides for the making of regulations. The penalties which may be provided under the regulations are lifted from $100 to $200, and in the case of continuing offences from $10 to $20 for each day on which they continue.

The Hon. L.H. DAVIS secured the adjournment of the debate.

CHILDREN'S SERVICES BILL

Adjourned debate on second reading.

(Continued from 21 February. Page 2758.)

The Hon. J.R. CORNWALL (Minister of Health): I intend to take some time in replying to the second reading. As I said the other evening, I found that there was perhaps not a great deal of light on the other side, but I think that a number of issues have been raised not only in the Parliament but publicly that require explanation or refutation. I will deal with them serially. First, there is the allegation of the selective implementation of the Coleman Report. This allegation, levelled at the Government, is that it has selectively implemented the report and has not implemented the major recommendations made by Marie Coleman. The Government's decisions pick up the majority of Mrs Coleman's recommendations.

The Children's Services Office planning clearly reflects the direction of the Coleman Report, as Mrs Coleman has herself recently stated. The CSO will plan, resource, administer and regulate early childhood education and care services; it will be answerable to one Minister; it will function on a regional basis; and it will plan to meet the existing gaps in service provision so clearly set out in the Coleman Report.

The rather scurrilous allegations made the other night that Mrs Coleman could be induced to modify or in some way bend her recommendations because she was a front runner for the job of Director are totally untrue. Marie Coleman at this time is not an applicant for the position. The Opposition's so-called argument seems to rest on four points. First, the Child, Adolescent and Family Health Service. The Opposition makes the point, *ad nauseum,* that CAFHS is not included in the Children's Services Office. Mrs Coleman states that there should be close co-ordination between CAFHS and the new early childhood agency. However, she did not recommend, and no reading of the report could indicate that she did, the direct inclusion of the early childhood elements of CAFHS, as the Opposition appears to believe.

I have read the report very carefully with regard to the recommendations concerning CAFHS because it comes directly under my purview as Minister of Health. I challenge the Opposition to find a recommendation in the Coleman Report that the early childhood sections of CAFHS were to be included in the new agency. The fact is that Marie Coleman did not recommend that. On the other hand, the CSO, I hasten to assure the Council and the Parliament, will be working very closely with both CAFHS and the Intellectually Disabled Services Council. There have already been numerous discussions with them which have continued throughout the planning stages. Again, I can say that with some considerable authority because not only is CAFHS my responsibility, but so is the IDSC.

The Opposition claims that non-government pre-schools are not included. Again, I make clear, and I know that this is a matter of concern to you personally, Mr President, that Mrs Coleman did not recommend their direct inclusion. Certainly, it was intended that they would be covered by the overall co-ordination role of the new agency, and this will be done. What does the Opposition mean by 'inclusion'? Is it seriously suggesting that the Government should take over the staff and facilities of the pre-schools run by non-government schools? Of course, that is a ludicrous proposition. At present funding assistance to Catholic pre-schools is provided through a Budget line of the Minister of Education. In future, such assistance will be channelled through the Minister of Children's Services. Non-government pre-schools will be co-ordinated in terms of forward planning with kindergartens and child/parent centres through the Children's Services Office.

The present co-operative relationships will continue. There is no valid reason to suggest otherwise. In terms of involvement in the consultative structures, this sector is not excluded, as the Catholic Education Office has allegedly suggested. All the various categories of membership on the consultative structures refer to children's services or various broad types of service—pre-school education, child care, and so on. They are drawn, and drawn quite deliberately, in the broadest possible way.

Thirdly, criticism has been raised that the Government is setting up a statutory body rather than a department. I make perfectly clear, on behalf of the Government, that we believe a statutory body is more conducive to a community-based field such as children's services. It is particularly suited because it allows more flexibility in local level management arrangements and community consultative input to the central structure.

In relation to child/parent centres, the Opposition's position, as on many aspects that it put forward during the course of the debate, is shot through with contradictions. On the one hand, the Opposition says that individual child/parent centres should be part of the CSO from the outset, in line with the view of some elements of the Kindergarten Union. On the other hand, the Opposition highlights the views of the Primary Principals Association and says that the child/parent centres should not be part of the CSO. The simple fact is that it cannot have it both ways.

The amazing thing is that the Government stated the approach it was going to take to the child/parent centre situation in June last year—nine months ago—when it announced its decision to establish the CSO. The Government's position has been consistent; it has not changed. On the basis of the Government's June decision the Kindergarten Union gave its strong support soon after the announcement to the concept of the CSO and it actively participated in the subsequent months of planning. Yet now it is being said that the Government's position on the child/parent centre aspect is one of the major reasons for opposing the CSO and this Bill. I pose the question and seek the answer: why have we had the sudden turn about at this stage from the position of several months ago?

The Opposition has constantly attacked the Government for what has been termed the non-inclusion of child/parent centres. The basic issue here seems to be one of definition, and I readily admit that the debate has become confused. In fact, it has been confused by the Opposition input. What does the Opposition mean when it constantly refers to the non-inclusion of child/parent centres? The fact is that the Government is adopting a practical and sensible approach to the inclusion of child/parent centres in the CSO. The planning and resource allocation of all preschool services, including child/parent centres, will be co-ordinated by the CSO, that is, the planning and co-ordination on a State-wide level. At the local level—and this is very important (and even the Hon. Mr Milne should be listening)—individual child/parent centres will continue to be part of the schools in which they are located.

I repeat: the planning and resource allocation of all preschool services, State-wide, including child/parent centres, will be co-ordinated by the CSO. However, at the local level the individual child/parent centres will continue to be part of the schools in which they are located. Local centres will be operated on a day-to-day basis by parents, staff and school councils, just as kindergartens operate on a day-to-day basis with parents, staff and management committees. The provision of central support for child/parent centres will be the subject of further review during 1985, to identify the most effective way of arranging this support. This review will closely involve parents, school councils and staff. I think that is very important, and I hope that everyone has been able to take it on board and to digest the truth rather than the distortions which have been peddled within and outside of this Chamber over the past several weeks. I turn now to the Opposition's so-called alternative model. The Opposition states—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: You really should pull him into gear, Mr President. The Hon. Mr Lucas has interjected on 33 occasions today. I know that, because the Hon. Ms Levy kept a tally up until the time she left.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I should not let him put me off, because he is only a flea.

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: No, I do not normally let him distract me. He is such a little boy, I find it rather annoying. I am like a crabby old parent.

The PRESIDENT: Order! The Minister will come to order.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! There have been enough interjections.

The Hon. J.R. CORNWALL: Thank you for that display of partisanship, Mr President. The Opposition states that the Government's approach in establishing the CSO is overly bureaucratic.

The Hon. L.H. DAVIS: On a point of order, Mr President, the Minister has just reflected on the Chair, and I ask him to withdraw that remark.

The PRESIDENT: I ask the Minister to withdraw.

The Hon. J.R. CORNWALL: I ask you to try and be bipartisan in your approach, Mr President. You have really allowed the Hon. Mr Lucas to get away with murder ever since he has been in this Chamber.

The PRESIDENT: Order! The request to the Minister was to withdraw his reflection on the Chair. Is he prepared to do that?

The Hon. J.R. CORNWALL: Mr President, I formally withdraw my reflection on the Chair.

The Hon. L.H. Davis: And apologise.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The Opposition states that the 'Government's approach in establishing the CSO is overly bureaucratic'. The Coleman Report, which the Opposition says it supports, recommends the establishment of a single new agency to co-ordinate and incorporate early childhood care and education. The CSO is a single agency which will carry out those functions. I pose the question again: why is the Government's proposal overly bureaucratic and cumbersome, yet the Coleman proposal is not?

Clearly, the Government's model does not add another layer of bureaucracy to the children's services field. This cannot be substantiated when looking at the number and range of administrative positions in the existing organisations compared with those in the proposed CSO structure. In fact, the CSO is a streamlining of current fragmented and cumbersome arrangements. Fewer staff in the new structure will be devoted to central administration, while more will be devoted to regional and field support to local centres.

The Opposition has come up with a so-called 'alternative', and this model, in fact, would undeniably create another layer of bureaucracy in that it superimposes a co-ordinating unit over and above the existing administrative structures which would not be modified. The Opposition's model apparently involves bringing the various existing agencies and services under one Minister and having a non-statutory 'co-ordinating unit' advising the Minister. Somehow, we are told, that will mean everyone will work together and everything will be co-ordinated. This completely ignores the fact that some children's services fields do not currently have any central administrative organisation or support services which can be 'co-ordinated'.

It is totally superficial. Under this so-called 'alternative', the various services are not provided with a single streamlined administrative structure which combines preschool and care expertise in policy-making and administration. A non-statutory co-ordination unit without strong links to the various groups of children's services will at best be able to inform, consult, and communicate: it will not, as recommended by Coleman, be a body capable of, or with the authority to, 'effectively plan, administer, and regulate early childhood services', as Coleman put it. In fact, it is quite clear that the Opposition has not read the Coleman Report in detail (and I refer honourable members to Appendix D, page 146). In Appendix D, Coleman provides a critique of an administrative arrangement (which she discusses as Option 1, and calls 'External Co-ordination of the Current Range of Sponsors'). This option is almost identical to that which the Opposition has proposed. Coleman clearly indicates why she does not favour this option, and stipulates why it would not succeed.

I quote the Coleman Report at page 146, as follows:

> This option is not favoured. It would not satisfactorily address the problems of duplication and overlap of functions; it would not ensure co-ordinated planning between all agencies; its probable need to intrude into the priorities of independent bodies would lead to the same tension as those created under the Childhood Services Council.

The Opposition's model clearly shows an attitude of 'protection for the *status quo*' to the detriment of the wider range of children's services and interest groups. It is the classical conservative position. However, what is most extraordinary is that this so-called model is virtually a revival of the Childhood Services Council arrangement which existed in the 1970s. Everyone knows that the Liberal Party, when in Government, abolished the Childhood Services Council. Its reason, it said, for doing this was that it was ineffective and cumbersome. I have no argument with that at all. There is no doubt that it was ineffective and cum-

bersome, yet the Opposition is now proposing an almost identical model.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The Opposition is saying that the same model which it abolished is the answer. I turn now to funding. First, the Opposition has suggested that improvement to child care services will be at the expense of preschool education services. This is clearly and categorically not the case. This has been made clear to the Kindergarten Union over many months. I refer to a letter from the Premier to Dr Ebbeck in his capacity as Secretary to the Kindergarten Union Council. The letter, dated 25 July 1984, states:

> The Government will ensure that the quality and level of preschool education services is maintained within the new structure. While it is clear that there is a need to expand the availability of high quality child care services, action on this will not involve a diminution of preschool education services.
>
> As you will be aware, the Commonwealth Government is the principal provider of funding for child care services, and has made available significantly increased funds for these services. If additional assistance from State sources is seen to be required for child care, the Government will have to consider this in terms of overall priorities and resources, and as an additional commitment beyond resources devoted to preschool services.

Again, it appears that these assurances have not been conveyed to people in the field. As the Hon. Mr Lucas acknowledged in his speech—I quote from *Hansard*—and here is a rare occasion on which I can agree with him:

> An improvement in child care requires a commitment by the State Government, but, most importantly, a commitment from the Commonwealth Government and, more particularly, from Ministers in the Government, for an improvement in child care—not only the State Government, as I indicated, but Commonwealth Government—then the delivery of child care services can be achieved. There is no need at all for the standard of preschool services in South Australia to be threatened in any way to improve child care services.

The State Government is already involved in the second year of a development programme for child care services, in co-operation with the Commonwealth. This will result in 22 new centres being developed by the end of 1985. The State has committed substantial capital resources to this programme and this programme is based on Commonwealth guarantees of continuation of recurrent funding for these centres.

Over this same period, and I pose yet another question, has the State Government's allocation of resources to preschool education declined? The simple answer is this: of course it has not—it has increased substantially. In relation to future preschool funding, the Government has recently reiterated its commitment in a letter to the Kindergarten Union board, dated 25 January 1985, which states:

> The Budget components for children's services as outlined in the 1984-85 Budget allocations will be maintained during the 1985-86 financial year. The component currently provided for the Kindergarten Union will be maintained in real terms, that is, with the usual Treasury procedure of identifying a base amount, plus an allowance for inflation.

One of the aims of the CSO is to improve the career options and working conditions in the child care sector. This is a complex area which involves existing Commonwealth legislation. The issues require lengthy and detailed negotiation with the Commonwealth. The progress of these negotiations has been hampered to some extent since December by the change in departmental arrangements in the Social Security area, but negotiations are under way. The Commonwealth has clearly indicated its wish and intention to build a co-operative relationship with the State in children's services.

I now address the allegation, or the imagined fear, concerning the downgrading of preschool education in the CSO. The most recent catch-cry in this debate has been the so-called threat posed to the standards of preschool education. Very clear assurances have been given on numerous occasions by the Government on this issue. Most recently, the Premier, in the newsletter sent out to all children's services on 15 February, restates those assurances and commitments. Some elements, however, have not been able to accept those assurances.

The Government's policy is to ensure that both education and child care are improved for preschool children. The Government's policy is to maintain preschool education programmes with persons who are trained, qualified and registered teachers. In this regard, every member of the teaching staff of the Kindergarten Union has been guaranteed direct transfer into the CSO with their current salary intact. Similarly, every permanent advisory educator from the Kindergarten Union has been guaranteed a permanent position as a regional adviser in the CSO.

The duty statements of all senior professional CSO staff will stress the importance of training in, and experience of, preschool education or care. This includes regional managers for the six regional offices, who will be expected to play a leading role in planning and developing for preschool education in each region. On this point, people seem to be ignoring that, while the CSO positions may be classified on executive officer or administrative officer levels, this does not mean that no specialist qualifications are required to fill them. The general Public Service classification structure covers a wide range of fields and specialist areas. People who raised this point should have taken the trouble to look at the detailed specifications for these positions which have been drawn up in consultation with the unions. They clearly require specialist qualifications and experience.

The use of the general Public Service levels and classifications is simply because this is a new structure drawing together several areas of activity, some of which are already part of the Public Service, and this new structure will be planning for and providing a wide range of services, not just one form of service. The Government's aim is to ensure that the quality of preschool education is upgraded. It is certainly not the case, as has been suggested in some quarters, that preschool education will take second place.

It is the Opposition that is, in fact, undermining preschool education at present with its mischievous misrepresentation. Stories being spread about the Government allegedly confiscating or intending to confiscate local kindergartens' bank accounts, and kindergartens being turned into child care centres, are simply more bizarre examples of this. This is setting back preschool education services, causing completely unnecessary anxiety, and undermining people's confidence in the future of preschool services.

Turning now to Special Services, I point out that the issue has been raised of the future provision of specialist advisory services. Support services presently provided by the Kindergarten Union will be maintained and all the current Special Services staff will be transferred to the CSO. The Government's commitment to increase Special Services staff over its three-year term has already been largely met and further resources will be provided as promised. We also believe that there is scope for much better co-ordination with CAFHS and other relevant services in future. With one single children's services agency to work with CAFHS, rather than a number of different bodies as at present, we believe that more effective use of all the resources in this area can be achieved.

With regard to the resolution of future arrangements, the Hon. Miss Laidlaw suggested in her speech that the Kindergarten Union board had reversed its previous position of support because it could get answers on administrative, consultative, financial, and staffing arrangements. With great deferential respect, this is nonsense. There has been continual

correspondence with the Kindergarten Union board on a range of matters. The Government has continually—

The Hon. Diana Laidlaw: That was their claim.

The Hon. J.R. CORNWALL: That was their claim, and it is nonsense. I am not suggesting that the Hon. Miss Laidlaw would peddle a nonsense in here. Far be it from me to suggest that. The Government has continually asked the board to be specific about its concerns: recently very few specific points have come forward from the board. Where it has raised issues, detailed responses have been given.

As many meetings as the board wished with the steering committee were offered during December and January. After several meetings in December, only one meeting in January was requested by the board. Representatives of the board met with the Premier and Minister of Education recently, and many matters were discussed.

Most importantly, during December and January, a detailed proposal for the organisational structure of the CSO has been the subject of intensive discussion with all the staff groups concerned. There have been many meetings and discussions on this with staff, and many other meetings with the union representatives, who have been vitally involved in this process. These meetings have involved discussion of virtually every individual staff member's situation in relation to the transition.

Union representatives have also met with the Premier. The unions are now happy with the organisational aspects and have clearly stated their support for the early establishment of the CSO. So it is quite wrong and misleading to say that organisational, administrative and staffing arrangements are unclear or have not been discussed with the people involved. They have all been discussed in detail and resolved.

With regard to the consultative structure, the Hon. Miss Laidlaw suggested that the consultative structure would be 'ineffective and toothless'. The consultative structure has been drawn up after extensive discussion with all the community groups and services to be involved. A discussion paper was very widely distributed in October and many comments were received with follow-up discussions.

Apparently all the Hon. Miss Laidlaw could find to demonstrate that the consultative structure will be ineffective is that the Bill does not state that there must be regular reports from the regional committees to the State committee. Of course, there will be a constant flow of advice between the two levels of advisory bodies. Every single detail of that kind does not have to be set out here—it will be covered by regulation or standing orders of the committees.

Then, in relation to the size of the State committee, on one hand, the Hon. Miss Laidlaw says 29 members is too large. Yet, on the other hand, she says we should be copying the Kindergarten Union council structure exactly. The Kindergarten Union State council has several hundred members and its State committee has a membership of around 50. Really, one cannot have it both ways.

I turn now to the Hon. Mr Gilfillan's speech. I am sure he is listening to my comments from his room. The Hon. Mr Gilfillan's contribution to the debate, I must say, was most constructive. It demonstrates a positive forward-looking attitude and shows a real concern for all the services provided for children. Unlike the Opposition's arguments, it was not elitist, it was not antiworking class and it was not reactionary. The honourable member had taken the trouble to speak to Marie Coleman and she has clearly indicated her support for the Bill, he told us. I might say here that the Government has not chosen to bring Mrs Coleman into this debate; she has been approached by various people seeking to clarify points and issues. I would like to refer for a moment to the absolutely scurrilous allegation by a member opposite. I said this at the outset and it is worth repeating, because it was a scurrilous allegation indeed—and the honourable member concerned has very supple loins and stoops to the gutter with great agility quite frequently—that Mrs Coleman is expressing support because she is interested in the position of Director of the CSO. That really is disgraceful and outrageous. She is not an applicant. People should check their facts before they blast off in this place. Apart from that, they are attacking her reputation as a very senior public servant who is highly respected in this field.

To return to the Hon. Mr Gilfillan's comments, in supporting the Government's initiative, he sought assurances from the Government on a number of matters. These were:

- the maintenance of the quality of preschool education;
- financial arrangements;
- child care funding;
- the question of co-operation with CAFHS and IDSC by the CSO, and the need for effective working relationships to improve the services provided to children with health or disability related needs; and
- specialist qualification requirements for senior staff in the CSO.

I believe that I have already addressed these points in detail and I hope that I have provided the information that the Hon. Mr Gilfillan is seeking. I wish to address other points raised by the Hon. Mr Gilfillan.

We support the Hon. Mr Gilfillan's comments relating to the benefit of setting out a model constitution for local services which wish to apply to be registered children's services centres under this Act. This is the intention, and that model constitution would certainly embody strong parent involvement in the management of services, as Mr Gilfillan proposed. We also see that, on the basis of one general model, there should be some room for flexibility in some aspects, as a variety of services will be covered that may have differing features, for example, in relation to property matters. The Hon. Mr Gilfillan has pointed out some concerns about the number of country regions planned for the CSO.

The planning for the CSO has involved the plotting of all children's services Statewide to look at the density and distribution of services. On the basis of that distribution of services, we have decided on four metropolitan regions (which will extend to some adjoining rural areas) and two country regions. The planned regional office centres—Mount Gambier and Port Augusta—are based on the density and location of services. In recognition of the large distances in the country areas, two out-posted regional advisers—in Port Lincoln and the Riverland—have been provided for. I can assure the Hon. Mr Gilfillan that the country situation will be very carefully monitored to ensure that adequate resources and services are provided. We will be looking for continuing advice on this from CSO management.

With regard to possible amendments to the Bill, the Hon. Mr Gilfillan foreshadowed a number of possible amendments and we will deal with them in detail in the Committee stage. In general terms, the suggestions made by the honourable member appear constructive and we will give them careful consideration.

With regard to the adequacy of resources, the Hon. Mr Gilfillan sought an assurance that funding and staffing in the CSO will increase with the expansion of services. I have already stated that there will not be a reduction of resources for the education component. Allocating the required resources for the CSO will be a priority for the Government. We have put a lot of time and effort into planning the CSO; we are not going to set it up and then deny it the resources it needs for its successful establishment and development. The Government will do all it can continually to upgrade

resources to enable the CSO to provide all children's services, the support and assistance which is so much needed.

Three honourable members opposite have contributed to the debate on the Children's Service Bill. In sifting through their speeches, I sense some growing realisation that their points are repetitive and without conviction. The shadow Minister of Health, the Hon. Mr Lucas and the Hon. Miss Laidlaw are not stupid, nor do they lack genuine concern for South Australia's children, I suspect. Rather, they have been lured by the promise of short-term political gain, and persuaded by several self-interested wily demagogues that some values and standards are at risk by establishing the Children's Services Office.

I do not expect the honourable members to admit their error in this place. I do expect that, regardless of election results in this or later years, the successful development of the Children's Services Office will be a source of pride to the three Parties represented in this place and in the House of Assembly. In focusing doggedly on the minor variations from the Coleman Report recommendations, or small details to be resolved in the planning process, the Opposition has revealed the implausible basis of its argument. Opposition members have searched desperately for a firm foundation to the line, scrabbling amongst the chaff for real wheat we could swallow, but it was not there. We have had an undeniably long and intensive wide-ranging consultation process, a process preceding this debate by 18 months.

We have the author of the Coleman Report herself, a person with no self-aggrandisement in the matter, endorsing fully the Children's Services Bill and the planning to date. We have all of the teaching staff of the Kindergarten Union directly transferring into the new office. This recognises the quality of educational service they provide and ensures its continuing development. We have a compact, efficient central office planned, and a substantial increase in services through regional offices—getting support out there to children, parents and staff in the community. And what has the Opposition given us as an alternative? The so-called plan provided by the Hon. Michael Wilson hardly constitutes an alternative. It certainly could never be described as a plan.

It could better be described as a feeble phoenix from the ashes of the malfunctioning Childhood Services Council. That so-called plan was circulated late last year. It is an indication of the lack of conviction of the Opposition that they have not seen fit to develop this superficial memo into something resembling a plan by this time. I have no wish to embarrass members opposite further by explaining again why the alternative cannot possibly perform the goal of planning, resourcing, administering, and regulating children's services in this State. Suffice to say, co-ordinating committees under one Minister are as relevant to the Coleman recommendations (which the Opposition have said they support) as push-bikes to the Grand Prix!

In closing, let us remember what this whole business is about: it is about children, the youngest citizens and arguably the most valuable citizens of this State. It is about education and care services for them. It is about improving the quality of the services we have, administering them more effectively and providing additional services in a planned and efficient manner. With the present needs of over 100 000 children in mind—

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Apparently the Hon. Mr Lucas finds this amusing. Apparently he does not think children are very important. The honourable member sits sniggering, like the young upstart that he is. He does not find the statement that we are caring about young children who are arguably the most important citizens in this State important. It is important because this concerns education and care services for them.

That causes him great amusement. He is a very strange person indeed. This measure is all about improving the quality of services, administering them more effectively and providing additional services in a planned and efficient manner, with the present needs of over 100 000 children in mind and also bearing in mind the future needs of those to come. I urge the Council to move into Committee to resolve the remaining issues by amendment and to pass the legislation as soon as possible. The development of the CSO is long overdue, widely sought, and for the children, parents and staff involved it needs the Council's speedy endorsement. The Government is not in any way attracted to the idea of a Select Committee.

If this Bill by some misfortune was to be lost, then I believe it should be lost with honour and not through the back door. Quite clearly, considering the number of parties who want to appear before a Select Committee to duplicate and replicate all the work that has been done over the past 18 months, there is no hope that a Select Committee could report to Parliament before a State election and therefore the suggestion could only be seen, even in the most charitable sense, as an attempt to sabotage this Bill. This matter was discussed by Cabinet yesterday and it was unanimously resolved that a Select Committee be rejected. Therefore, the Government rejects that suggestion.

Bill read a second time.

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

(a) That this Bill be referred to a Select Committee.

(b) That the Committee consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

(c) That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

As I said in the second reading debate, the Kindergarten Union, the Primary Principals Association and the independents have on many occasions, and just recently when I was in touch with them, been opposed to this Bill. They have been opposed not only to isolated aspects of the Bill but also to the Bill in principle because, as was discussed in the second reading stage, it does not do what it should do to produce co-ordination. Perhaps to demonstrate that the Kindergarten Union, the Primary Principals Association and the independents oppose the Bill, I point out that the most recent communication is dated 22 February and is addressed to you, Mr President, from the Primary Principals Association (and because I am speaking to a motion for a Select Committee I will refer first to a comment on page 2); it states:

The preferred alternatives of the Primary Principals Association would be:

(a) the Government to withdraw the Bill;

(b) the Bill to be defeated in the Legislative Council;

(c) the Bill to be referred to a Select Committee.

I do not propose to read the letter in detail, but I will refer to the opening portion, where it is stated:

Further to copies of material already forwarded to you, I now wish to summarise the reasons for opposition to the Children's Services Bill. The Bill in my judgment is unamendable to take into account the interests of preschool education in this State. Any amendments calculated to bring about the preservation of preschool education as it is now understood in this State would amount to negating the intent of the Bill. The purposes of the Bill cannot be achieved in that:

(a) under present Federal legislation child care funding cannot be made available to a State Government or State Government instrumentality;

(b) the nature of preschool education provided within the Kindergarten Union is somewhat different from preschool education provided in State schools and Catholic schools where there are clear links with preschool centres and the rest of the school as a total entity.

As most members would be aware, there have been a great number of communications from all sorts of areas. A recent letter from the Paralowie Children's Centre to Mr Talbot dated 19 February states:

The staff of the above kindergarten were very pleased today to receive a copy of your letter from the Primary Principals Association to the Premier dated 8 February 1985 in reference to the Children's Services Office legislation. We feel that it states in extremely clear language the concerns that we have felt over the last year regarding the educational component in kindergartens being continued under the CSO. In recognising the need for reorganisation of child care services in South Australia, as Coleman stated, we have personally allowed some clouding of the issue regarding Kindergarten Union centres. We wish someone had seen fit in September or October last year to make a similarly clear and concise statement along similar lines.

That, of course, means along the lines that the Primary Principals Association has now adopted. I might add that at the last meeting between me, the Kindergarten Union, the Primary Principals Association and the independents, it was stated that they were not consulted properly. When they asked how the CSO would operate, they were told, 'You will find out when it happens. When the Bill has been passed and put into operation, you will find out. You will be consulted then. We won't tell you about it now.' I was certainly told by some of those people that they had to resort to getting things to fall off the back of a truck to find out the real details of how the Bill would operate. After all, this is very much an enabling Bill. It tells the Parliament nothing and it tells the operators in the field nothing. It will depend on the way in which it is put into operation, and I believe that the Parliament should be told something. If it is not, there is good reason to have a Select Committee to find out.

If we cannot find out the details from the Bill (and we have not), if we cannot find out the details from the Minister's second reading explanation (and we did not) or from his reply, if we cannot find out from the Government just how the Bill will operate in detail, there is very good reason to have a Select Committee so that the Department and other people can be questioned and so that we can find out. I believe that these reasons in themselves are quite adequate on which to refer the Bill to a Select Committee.

The three organisations to which I have referred and which in my estimation cover about 70 per cent of the people concerned in the operation of childhood services are opposed to the Bill. They are saying that they have not been given sufficient detail, and we find that Parliament has not been given sufficient detail. In themselves, they are sufficient reasons. However, there are other reasons. I believe that this Bill is so close to a hybrid Bill as 'damn it' and of course hybrid Bills, under Standing Orders, must be referred to a Select Committee. I will refer to the Standing Order in detail later, but in general hybrid Bills are understood to be Bills that refer to the property of particular organisations as opposed to Bills dealing with the public at large. This Bill certainly does that. I refer, first, to clause 4 (1) of the Bill, which states:

The Kindergarten Union Act, 1974, is repealed.

I think that the most relevant provision in this regard is the first schedule, which no-one has said much about. It states:

(3) All property, rights and liabilities vested in or attached to the Kindergarten Union of South Australia immediately before the commencement of this Act, shall, upon that commencement, vest in, or attach to, the Minister.

This means that all the property belonging to the Kindergarten Union at present will vest in, and belong to, the Minister. It will no longer belong to the Kindergarten Union, but will belong to the Minister. These properties include real estate and land. Some of that land—and I have made inquiries and done my homework about this—has been acquired by local groups operating under the Kindergarten Union. In some cases the local groups have been incorporated and the land acquired in their name, so that part of it is all right.

In other cases the land has been in the name of the Kindergarten Union. Therefore, we have a situation that some land, which has been acquired, bought and paid for, has been vested in the Kindergarten Union. Under the Bill it will be taken away from it and vested in the Minister. Let us look at how that land was acquired. Some of it was acquired, principally, with funds provided by the Government, so I suppose it can be said that those were public funds and that it is fair enough that such land and other assets should be vested in the Minister. I do not really concede that that is fair enough. However, in particular, there are other groups, where the land was bought and paid for with funds provided by local communities and vested in the Kindergarten Union. Therefore, some groups have bought their land and assets, and provided facilities out of funds that they have raised themselves as local groups. They have then been vested in the Kindergarten Union.

Under the schedule of this Bill, which has a force of law the same as the Bill, assets will be taken away from them and vested in the Minister. In my view that is daylight robbery—it is socialism gone mad. Is this Parliament, without the Government having said anything about it, prepared to take away from some groups funds they have found from their own activities—not Government funds—to purchase land and facilities? These assets are to be vested in the Minister.

The Hon. C.J. Sumner: Who pays for the Kindergarten Union?

The Hon. J.C. BURDETT: Most funds for the Kindergarten Union come from the Government; there is no doubt about that. I have mentioned the three areas involved. One area is where funds have been provided by local communities and vested in local incorporated bodies; there is no worry about that. Another area is where the funds have mainly come from the Government and been vested in the Kindergarten Union. Although I have some doubts about that case, I suppose that is all right. However, the other area is where the funds have been provided by the local community, which has bought land and facilities, which have been vested in the Kindergarten Union and which under this Bill will be taken away from it. As I said previously, that is daylight robbery and socialism gone mad. It is saying that whatever one does, whatever one buys and whatever one sets up can be taken away.

The Hon. C.J. Sumner: Have those kindergartens been funded by the Government over the past few years?

The Hon. J.C. BURDETT: With regard to their running expenses, they have.

The Hon. J.R. Cornwall: This is the same mythology you apply to the Hospitals Department.

The Hon. J.C. BURDETT: It is not a question of mythology at all; it is a matter of some accountability and some honesty so that when funds are raised to buy a particular property by particular people that property should remain vested in them and not be taken away and vested in the Minister. I suggest that this is getting very close to the spirit in which hybrid Bills have been interpreted in this place previously. Certainly, when one looks at the relevant Standing Order it may be somewhat different, but when one looks at the spirit in which hybrid Bills have been interpreted in this place it is getting close. Standing Order 268 states:

Bills of a hybrid nature introduced to the Council by the Government, which—

(a) have for their primary and chief object to promote the interests of one or more Municipal Corporations, District Councils, or public local bodies, rather than those of Municipal Corporations, District Councils, or public local bodies generally;

shall be proceeded with as Public Bills, but shall each be referred to a Select Committee after the second reading.

At least in a reverse way this fits into that category. We are talking about taking away rather than promoting something, but because this Bill takes away the rights of some public local bodies, namely, bodies that have been operating under the Kindergarten Union Act, by inference it gives to others.

In my recollection of Bills in this Council that have been regarded as hybrid Bills, they have been involved with the taking away of property that belonged to particular organisations rather than the community at large that has been deemed to bring such matters within the ambit of a hybrid Bill. Before I come back to this matter, I must say that even if this Bill is not deemed and ruled by you, Mr President (and I will be seeking a ruling from you about this), to be a hybrid Bill, in my view, and in addition to the substantive matters that I have raised before about the Bill, it is so close to being one that that is a reason why this Council should refer the Bill to a Select Committee.

This Bill takes away private rights. It takes away a right of a legal person, namely, the Kindergarten Union. It takes its property away and vests it in the Minister and, in some circumstances, the money to purchase that property has been raised by the public at large and has not come out of the public purse. I believe that the Parliament should not take away people's property against their wishes because the Kindergarten Union, in accordance with the letter I read in this Council during my second reading speech—and which it confirmed as recently as today by telephone—is opposed to this Bill. It does not want its property taken away.

It is disgraceful that this Parliament is prepared to take away someone's property, particularly property that has not been supplied out of the public purse, by legislation and give it to somebody else, namely, the Minister, when that organisation does not want that to happen.

The Hon. C.J. Sumner: The taxpayer has been funding these things for years.

The Hon. J.C. BURDETT: The taxpayer has been funding, as the Attorney-General interjects, running expenses for years, but some of these organisations have property that was provided not from public funds but by the local community. Those properties, under the schedule of this Bill, are to be taken away against the wishes of the Kindergarten Union and referred to somebody else. My reasons, in summary, are, first, that the three major organisations, the Kindergarten Union, the primary principals and the independents say that they do not want this Bill.

That represents 70 per cent of the people involved. Secondly, all those organisations have said that they have not had sufficient consultation, and that can be provided by a Select Committee. Finally, this Bill, in its schedule, takes away proprietary rights—rights in property—which are attached to a legal person, namely, the Kindergarten Union, and vests them in the Minister. In some cases that property has been funded by local communities and not by the Government. That is so close to the spirit in which a hybrid Bill has so often been determined in this Council that I seek your ruling, Mr President, whether or not it is a hybrid Bill. If it is deemed to be a hybrid Bill it must be referred to a Select Committee. If your ruling is to the contrary, then this debate, on several grounds, to refer the Bill to a Select Committee, will continue.

The Hon. C.J. SUMNER: A ruling has been asked for. I merely ask whether or not any submissions will be received on the arguments put forward by the Hon. Mr Burdett?

The PRESIDENT: I should think that my ruling is always subject to the ruling of the Council. If the Council disagrees with my ruling it is entitled to move such a motion and have that decided on the floor of the Council.

The Hon. C.J. SUMNER: We would not want you to make a mistake.

The PRESIDENT: I will not make a mistake because the onus will be left to the Council to make the final decision. I presume that if I did not give a ruling I would be criticised also for—

The Hon. C.J. SUMNER: I am not suggesting that you should not give a ruling, Mr President. The Hon. Mr Burdett has spent half an hour putting forward an argument why you should rule on a substantive motion that the Bill be referred to a Select Committee, in a sense improperly by putting to you a 15-minute discourse on why this is a hybrid Bill. Mr President, if you are not inclined to accept the honourable member's submission on that point, I would not wish to press the matter, but if you are inclined to accept the point raised by the honourable member then I would wish, before you make a ruling, to have the same opportunity to put to you matters on the subject, which has been dealt with by the honourable member in his speech of some half an hour. Obviously, if you, Mr President, are going to rule against the honourable member, then I will not take the matter further.

The PRESIDENT: I do not see why the Attorney-General, or anyone else, should not speak to the motion, if he so desires. I would be very pleased to have the Attorney-General's legal opinion.

The Hon. J.R. CORNWALL secured the adjournment of the debate.

CARRICK HILL TRUST BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 2642.)

The Hon. C.M. HILL: This Bill creates the Carrick Hill Trust, the object of which will be to own and administer the property known as Carrick Hill at Springfield, that magnificent bequest of the late Sir Edward and Lady Hayward. Over a period of time the Government has been investigating the best possible use of the property and has now decided that a Trust should be formed with functions as set out in the Bill. Indeed, it is the third piece of legislation that has come before Parliament dealing with the actual vesting of the property.

If the Bill passes it will mean that the State will enjoy the tourist and cultural benefits that can derive from the property being under the control of a Trust formed along the lines proposed in the Bill. When the Minister introduced the measure in this Council he explained that the land comprised 39 hectares. The house was built in 1939 and, as all will agree who have inspected the mansion, it is a magnificent Elizabethan manor house. Some of the fittings in the building, such as the large ornamental staircase, the oak panelling and the doorways are magnificent antiques which the Hayward family brought out from England and had built into the home as it was being constructed. As well as the real estate, which means the land and improvements, the Trust will also own and control the magnificent private art collection presently within the house itself, all the personal furniture and effects, and the priceless statuary by Epstein in the gardens.

I support the Bill at the second reading stage. It can be improved on in some relatively minor ways and there are amendments on file that can be debated in detail during the Committee stage. Representations have been made by residents living nearby. Members should bear in mind that most of these people were living there before the bequest was known, when Carrick Hill was simply a magnificent private home within the suburb of Springfield. These concerns relate, in the main, to fears as to whether or not noise will upset the quiet amenity of the neighbourhood and whether cars, car parking and crowds who may attend functions or be there to inspect the property will bring unreasonable inconvenience to neighbours. Parliament has a responsibility to take the views of these neighbours into account.

The Government proposes that the Trust should comprise seven members, one being the Chairman and one being the Deputy Chairman, although it has not laid down any particular qualifications for any members of the board. As it is, in some respects, a community facility and is within the local government area of Mitcham, the Government should consider the Mitcham council when it appoints members of the Trust.

Indeed, I have amendments along the lines that the Mayor of Mitcham should be an *ex officio* member of the Trust, and also that one of the members should be a resident who lives nearby and who would have some communication with other similar residents in that neighbourhood. Those matters can be debated in detail during the Committee stage. The functions of the Trust are set out in clause 13, as follows:

(a) to administer, develop and maintain Carrick Hill for all or any of the following purposes:
(i) as a gallery for the display of works of art;
(ii) as a museum;
(iii) as a botanical garden;
(b) to promote and encourage the interest of the public in Carrick Hill, its collections and the services and amenities provided by the Trust;

In that same clause I notice that the Minister, without any further reference to Parliament, may instruct the Trust to perform other functions as he decides. I think in the preparation of the charter for the Trust (and by that I mean this Bill, which will become the Act under which the Trust will operate) it should be looked at very closely as to whether or not the Minister should have that power.

I am pleased to see that the Trust is not able to sell any of the land or dispose of any of the land without Parliament approving such a transaction; and also that the Trust shall not without the consent of the Minister sell or otherwise dispose of any property owned by it that is of artistic, historical or cultural interest. I think that when bequests of this kind are made, Parliament has a responsibility to ensure that items within the bequest cannot be disposed of lightly by trustees and, in effect, that is what the Trust will be: it becomes a trustee of the property and its contents. Such disposal should not occur without very deep consideration.

The other clauses are fairly formal, such as the questions of the audit and the annual report being prepared dealing with the Trust's activities. That report must be provided to the Minister within a specified period and, ultimately, will be laid on the table of each House of Parliament. In general, I stress that I support the concept of the Trust. I think I should say that I am delighted that Mr David Thomas, who, as honourable members will know, was a former Director of the Art Gallery on North Terrace, has been associated with the property for some time now. I assume that he will be deeply involved with the Trust's activities.

Because of the success that he achieved as Director of the South Australian Art Gallery and because of his intimate knowledge of the visual and other arts activities, I am sure that he will make a success of whatever office that he formally holds within the Trust, either as a member of the Board or as an executive officer of the Trust. Therefore, while stressing my one area of concern—the possibility of adverse effects on the neighbourhood that might be caused by people, crowds and cars in considerable numbers and by noise which might come from functions held within or on the property (and, I think that aspect should be looked at very closely in the Committee stage)—I think the general thrust of the Bill is worthy of support, and I give it that support.

[*Sitting suspended from 6.1 to 7.45 p.m.*]

The Hon. L.H. DAVIS: The late Sir Edward Hayward and the late Lady Ursula Hayward have made a magnificent bequest to the people of South Australia. The debate on this Bill tonight is a fitting occasion on which to pay a tribute to the generosity of that bequest. Sir Edward, as honourable members would know, was a leading business man in South Australia, being associated with such companies as John Martin and Coca-Cola Bottlers. He and his wife, in a visit to England in the mid-1930s, purchased the interior of an Elizabethan manor house and brought it back to Springfield. It can be truthfully said that Carrick Hill can boast the oldest interior of any house in Australia. People who have been there would know how impressive is the elaborate staircase and the panelling in the rooms of Carrick Hill. This has been the subject of some debate over many years, as honourable members would know. Options have been canvassed for Carrick Hill: there have been suggestions in the past that it should be a residence for the Governor. This Bill now firmly sets in place what Carrick Hill should be used for: for the benefit of all South Australians and, indeed, visitors to this State.

As I have said, this is a unique and generous gift. It is a reminder of the importance of gifts and bequests by citizens of South Australia down through the years. The Legislative Council Chamber, in which we now sit, was commenced in the State's centenary year of 1936 and completed in 1939, 50 years after the opening of the west wing. This extension was made possible by the magnificent gift of £100 000 by the Hon. Sir J. Langdon Bonython. Other North Terrace institutions, including the University of Adelaide, have benefited from significant support from people such as Elder, one of the co-founders of Elder Smith, who made great wealth from his association with the Wallaroo-Moonta copper province. More recently, we have seen the success of the Art Gallery Foundation, when the now Director of Carrick Hill was the Director of the Art Gallery of South Australia and some $1.4 million was raised from the public. That was complemented by some $500 000, which was donated by the South Australian Government to establish this Art Gallery Foundation.

The Carrick Hill property as a whole is said to be worth some $20 million: the European and Australian paintings, the sculptures by Epstein and the magnificent furniture in this unique Tudor manor house. Clearly, there will be many costs associated with developing Carrick Hill to its full potential. Only last week we saw an announcement in the paper that a Community Employment Programme will be commenced shortly, making available some $343 000 for two projects at Carrick Hill: one to restore the formal gardens surrounding the house, together with the maze and the orchard on the northern side, and that will provide work for some 23 people for six months. On the perimeter of the garden, as honourable members are no doubt aware, there is the natural vegetation: in fact, of the 39 hectares (or some 97 acres, for those who are more familiar with that way of describing land area) about 60 acres could be said to be natural vegetation and reasonably hilly, the other 30 acres

belonging to the house and the front part of the Carrick Hill property.

The second project will involve minimising bushfire risks, no doubt making fire breaks and cutting back on material that perhaps could be regarded as dangerous. So, there will certainly be some initial costs associated with getting the project under way. Presumably, although we have not seen anything of it in the second reading explanation, provision will be made in the 1985-86 Budget for the necessary administrative costs and the costs of upgrading the property before it opens to the public in the South Australian sesquicentenary year in 1986.

Reference has been made to the need for a road, which we understand will run further to the south than does the current entrance, to minimise inconvenience and noise to the people of Springfield. There will be the need for toilet facilities, a refreshment area, fire prevention equipment, repairs, paintings and carpets—all the sorts of things that one would expect with this very exciting project. I would be very interested to know from the Minister, if he has the figures available, what sort of costs are anticipated to be involved in bringing Carrick Hill up to its full potential prior to opening day. Clearly, the development of Carrick Hill will continue over many years: however, I would be interested to know from the Minister, if he has the figures, what the initial costs will be in making sure that Carrick Hill will be ready in time for its projected opening date some time in 1986.

Clearly, benefits will flow from Carrick Hill. South Australians tend to be excited about the potential of tourism: yet, often we do not realise that we are really quite thin on the ground when it comes to man-made attractions. People who have been to Newport, Rhode Island, England, Melbourne and Sydney have had the opportunity of visiting stately homes. One can think of such places as Ripponlea in Melbourne, old Government House at Parramatta and Elizabeth House in Sydney as examples of that. This property is a distinct attraction, which will be an adornment to Adelaide.

I am confident that it will attract many thousands of people when it is opened. Just to give honourable members some idea of the potential that exists in this area, Ripponlea, which is some distance out of Melbourne, attracts in excess of 120 000 visitors a year. The Constitutional Museum next door to the Parliament in North Terrace attracts close to 100 000 visitors a year. I would be reasonably confident in suggesting that it is conceivable that Carrick Hill, when it is fully developed, given the attraction of the house, the gardens, the special functions that no doubt will be held there from time to time, will have a potential of attracting up to 100 000 people in a year.

Certainly, as I understand it, there will be parking areas for about 100 cars or more, together with buses. Hopefully, the property will pay its way. I am sure that the Government will be anxious for it to do that. I am certain that people at Carrick Hill would like to think that that is possible. Indications from similar projects in other States are that it is possible for properties such as Carrick Hill to pay their way.

Another point that should not be overlooked is that Carrick Hill will be a significant employer of labour. Already six or seven people are retained on the staff and I imagine that, when the building is opened, that number will rise to 15 or 16 and there will be indirect employment benefits flowing from that. The project provides a wonderful opportunity for volunteerism, for people to be associated with Carrick Hill, whether it be through the Friends of Carrick Hill or a similar body that may be formed.

No doubt it will attract some additional private financial support. There is no question that it will be a superb venue for cultural and recreational functions, which clearly will be in harmony with the siting of Carrick Hill. I had the delight of attending in October a performance by the Carrick Hill Renaissance Consort, a group comprised of four people who present Elizabethan songs and play Elizabethan musical instruments: lutes, guitars, violas and so on.

The Hon. Anne Levy: They are terribly noisy!

The Hon. L.H. DAVIS: I do not share the concern of some of my other colleagues that Carrick Hill will necessarily be a place for noisy rock concerts. I am sure that the Director (Mr David Thomas) will see to that. While referring to the Director of Carrick Hill, it is appropriate to comment on the appropriateness of Mr David Thomas as Carrick Hill's first Director. He comes to that position with a fine reputation, having been a successful Director of the Art Gallery of South Australia for many years where he was widely appreciated for the entrepreneurial activities that he undertook, especially in regard to outstanding international art exhibitions which he attracted to Adelaide and which in some cases went on to other galleries in Australia.

I have no doubt that Mr Thomas will be well suited to this exciting, challenging and stimulating role as Carrick Hill's first Director. I am pleased to support the second reading of this important measure. I am aware that my colleagues have some amendments on file. They are not of great moment but, of course, there will be an opportunity to speak further on these matters in Committee.

The Hon. R.I. LUCAS: I intend to ask a question in Committee but it might now be best to put the question on notice for the Attorney. Because of my position on the University Council I am not sure how much I am entitled to reveal in this Chamber. Suffice to say that I am aware there have been discussions over a long period in regard to Netherby Kindergarten, the Peter Waite Trust and the Waite Institute. There have been discussions with the Government over Carrick Hill. In Committee, can the Attorney, after he has taken advice, advise the Chamber of any discussions or understandings between the Government and Waite Institute and Netherby Kindergarten *vis-a-vis* Carrick Hill?

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions and support of the Bill, which is obviously a Committee Bill. I will address those issues and the amendments in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CHILDREN'S SERVICES BILL

Adjourned debate on the Hon. J.C. Burdett's motion.

(Continued from page 2810.)

The Hon. R.I. LUCAS: I support the motion of the Hon. J.C. Burdett to refer the Bill to a Select Committee. As I indicated in my second reading speech, that option is not my first choice. My first choice option, as indicated in that speech, was that as a Parliament we defeat the Bill and that progressively the Wilson plan be implemented. Nevertheless, it appears that the numbers in this Chamber are not there for the first choice option and obviously we as a Parliament must consider a second alternative.

Before looking at that option and the reasons for a Select Committee as a second choice option, I would like to consider briefly what has been suggested as an alternative second option, that is, that the Bill be amended. I do not believe that that is a viable option. All of the amendments that have been floated around the corridors and included in

submissions to members have basically played around the edges of the Bill's main purpose.

There have been suggestions with respect to definition clauses and various permutations of membership of the consultative committees and assorted other suggestions about minor amendments but, really, as I said, those suggested amendments play around the edges of the major purpose of the Bill. In my view, the Bill is unamendable. Addressing the various amendments that have been floated in Committee will not address the major problems and criticisms that members on this side put forward in the second reading stage. Therefore, I believe that there is only one viable second option, and that is that suggested by the Hon. Mr Burdett for a Select Committee.

It is to be hoped that, should the motion be successful, the Australian Democrats, after hearing extensive evidence, might be won over to the view that we have put in this Council, that is, that the provisions of the Government's Bill do not mirror the recommendations of the Coleman Report and will not achieve the much needed co-ordination that Marie Coleman recommended. If we are looking for further evidence of the need for a Select Committee, one only has to note the Minister's reply to the second reading debate: it certainly provided fertile ground for the need to refer this Bill to a Select Committee.

The Hon. Diana Laidlaw: Very few answers.

The Hon. R.I. LUCAS: As the Hon. Diana Laidlaw points out, there were very few answers, but what was more disappointing was the fact that the Minister has not handled his brief on the CSO and does not really grasp the problems that confront him, nor does he understand the recommendations of the Coleman Report and how they differ substantially from the provisions of the Government's Bill. I want to address four or five points in the Minister's reply, because they provide good reasons why we need a Select Committee. First, the Minister (or whoever wrote the Minister's speech) argued that Opposition speakers when talking about the Child, Adolescent and Family Health Services and independent preschools had got it wrong in suggesting that the Coleman Report talked in any way about co-ordinating or including the activities of CAFHS and independent preschools under a single Government body. At page 80 of the Coleman Report it is stated:

> A single Ministerial department—

And I might add that the Coleman Report recommended a department, so, where the Minister has obtained his independent statutory authority from, one can only speculate. But certainly Coleman does not recommend an independent statutory office. For the Minister to argue that this Government Bill mirrors the Coleman Report in almost every way is revealed for the nonsense it is. Nevertheless, it continues:

> . . . should be created to plan, resource, administer and regulate—

and let us remember those words—

> all early childhood education and care services.

The PRESIDENT: I draw the honourable member's attention to the fact that the only matter to be discussed at present is the motion moved by the Hon. Mr Burdett, that this Bill be referred to a Select Committee. The honourable member is really getting back to the second reading debate.

The Hon. R.I. LUCAS: As I indicated previously, one of the major reasons for addressing the four or five matters is that they indicate that the Minister and therefore the Government do not really understand what is before us in this Bill. I am seeking to show (and I think it will be evident to everyone once I have had the opportunity) that the Minister does not understand what is in the Bill. It is for that reason that the Bill should be referred to a Select Committee. I will bear in mind what you have said, Mr President, and I will certainly not go on at any great length with respect to the five points I want to develop. That quotation makes the position quite clear. It is an all embracing statement and refers to all early childhood education and care services. The report also refers to what are defined as a care service and an early childhood education service. And if the Minister says that independent preschools do not come under the Bill, he has a very difficult argument to put to the Council.

The second point made by the Minister is that the Coleman Report had been substantially followed in this Bill, but I have indicated (and I will not go over the ground again, because it is quite clear with respect to the recommendation relating to Ministerial departments) that the recommendations have not been followed, particularly in respect of child parent centres, which were recommended for inclusion in the Coleman Report. The Government has chosen not to take that advice, and that is a further substantial departure from the Coleman recommendations. Another reason why we must get to the Select Committee stage is that the quite major points made in the second reading stage regarding the approach of the Minister of Education to child parent centres and their eventual destination were not addressed by the Minister of Health. Quite clearly, that was because the Minister of Health had no answer to the points made by honourable members here. Very quickly, we found that the Minister of Education was telling the Hon. Mr Gilfillan, 'Yes, we will shove the CPCs into—

The Hon. J.R. CORNWALL: I rise on a point of order. With great deference, Mr President (which I always try to show the Chair), this really is a reply to my second reading reply. There is no other way you could see it.

The PRESIDENT: I am sorry, I have been otherwise distracted.

The Hon. J.R. CORNWALL: This is an argument in rebuttal to every point I rebutted in a very lengthy second reading reply before the dinner adjournment.

The PRESIDENT: I have made that point to the honourable member, but I lost track of the debate. Once again, I ask the honourable member to refer only to the motion before the Chair.

The Hon. R.I. LUCAS: Thank you for that, Mr President. I will outline to you, Mr President, the point I am making: I am saying that a substantial question that the Select Committee must address is, what on earth is the attitude of the Minister of Education to child parent centres? That is a very important point for the Select Committee to address, because the Coleman Report recommended child parent centres come under the Bill but the Government has chosen not to do that. The Minister has been telling the likes of the Hon. Mr Gilfillan (who wants to hear one thing) that they will end up coming under the Bill, and the Hon. Mr Gilfillan is on record as saying that. But evidently the Minister has been telling other groups, such as the Primary Principals Association, the Junior Primary Principals and others that they will not be forced to come under the Bill. I am arguing that the Select Committee must address that issue. We must know what will happen to the child parent centres. The point I make is that the Minister did not address that most important question in this Council. Therefore members of this place do not know what the Minister of Education (possibly the Minister who will be responsible for this Bill) will do in the long term regarding child parent centres. I need not develop that point further.

A further reason for the need for a Select Committee, and I constantly return to this, was the point made that the alternative option put by the Hon. Michael Wilson has been considered and rejected by the Coleman Report. The Minister quoted page 146 and tried to pass off option 1 on that page of the Coleman Report as resembling, in some way, the

Wilson plan. Quite simply, the Minister has not read, or did not understand, page 146 because that refers to a continuing role for the Minister of Community Welfare in the delivery of early childhood services.

The Hon. J.R. CORNWALL: I rise on a point of order. I do not want to be carping or difficult about this matter, but this is quite clearly a reply to my reply to the second reading debate. One would assume that, if these are new rules of debate, I in turn will have to adjourn this matter so that I can prepare a second reading reply to the second reading reply being made under the guise of some sort of argument for the appointment of a Select Committee.

The PRESIDENT: What is the Minister's point of order?

The Hon. J.R. CORNWALL: My point of order is that the Hon. Mr Lucas is indulging in a second reading debate and covering in very fine detail many of the points I raised this afternoon during the second reading debate, purely in response to contributions made during that debate.

The PRESIDENT: I take the point of order that the honourable member is going into a detailed explanation about why he thinks the Bill should be brought before a Select Committee. I ask the honourable member to speak more briefly to the points he wishes to make.

The Hon. R.I. LUCAS: I can summarise the point I was making quite simply by saying that the Minister of Community Welfare, under the Wilson proposal, does not have a continuing role in early childhood education and care. Therefore, option 1 on page 146 of the Coleman Report bears no resemblance to the Wilson plan. I think that this is a most persuasive reason for referring the Bill to a Select Committee. Finally, the most important reason for referring the Bill to a Select Committee is with respect of special services staff in the Kindergarten Union. We have had a good deal of disinformation put out by the Premier and his subordinates.

An honourable member: Misinformation.

The Hon. R.I. LUCAS: Not 'misinformation'—disinformation. The Premier referred to this matter in the paper 'Futures No. 5'. I will not go over the detail of that again. Quite simply, the information from the Premier relating to that matter was misleading. I think that the people of South Australia deserve, through the proposed Select Committee, an opportunity to see the error of the Premier's statements which appeared in 'Futures No. 5', and similar statements that had been made by the Minister in this Chamber and by the Minister of Education. For all those good reasons, and many more with which I will not bore the Chamber, I believe all members should support the motion before us.

The Hon. ANNE LEVY: I wish, briefly, to oppose the motion for a Select Committee on the Bill. Quite apart from the fact that consultation has been going on for the past 18 months on various aspects of this legislation, first by Marie Coleman, then by the working party, the implementation team and so on as detailed in my second reading speech, I point out to members that currently six Select Committees are established by members of this Chamber, two joint Select Committees exist involving both Houses of the Parliament, and two other Select Committees are proposed in motions before this Council, motions that are due to be debated tomorrow. That is a total of 10 Select Committees that may be operative from this Council. I suggest that to adequately service another Select Committee would be quite beyond the resources of the staff of the Parliament, as I am sure you, Mr President, would know only too well. Quite apart from the staffing resources required, I doubt that whether members of this Council could adequately give their attention to yet another Select Committee, particularly one that would be as lengthy, detailed and time consuming as one on this topic.

I think that any suggestion of a Select Committee made by a member of this place knowing only too well the lack of resources of staff and the other commitments to Select Committees that members already have on their plates can be regarded only as a delaying tactic knowing that any such Select Committee would not be able to adequately perform its task for many months, if not years. I oppose the setting up of a Select Committee.

The Hon. C.J. SUMNER (Attorney-General): I rise merely to address the question raised by the Hon. Mr Burdett when he asked you, Mr President, to rule that this is a hybrid Bill and therefore one that should be referred without further debate to a Select Committee of this Council. I must confess that I thought that the correct procedure for the honourable member to adopt was to take a point of order immediately the second reading of the Bill was passed and then ask you to rule on whether it should be referred to a Select Committee. However, he did not adopt that course but chose to move the motion that is now before the Council instructing the Bill to go to a Select Committee which, of course, is a different procedure from that of asking the President to rule that it is a hybrid Bill and thereby automatically sending it to a Select Committee.

I would have thought that the correct procedure was to ask for you to rule on that matter immediately the second reading passed and then the issue could have been determined. Instead of that he used the motion to refer the matter to a Select Committee as a vehicle, in effect, to put up an argument that it was a hybrid Bill and to ask you to rule on it. In other words, he had it, it seems to me, both ways. I submit that he has not followed the correct procedure. Nevertheless, I will now briefly address my remarks to the argument that, in my view, clearly it is not a hybrid Bill. In order to develop that argument, I refer to Erskine May, *Parliamentary Practice,* 20th edition at page 896, which states:

> It has already been explained that there are certain Bills that are regularly recognised as hybrid Bills. They have been defined by Mr Speaker Hylton-Foster in the following terms: 'I think that a hybrid Bill can be defined as a public Bill which affects a particular private interest in a manner different from the private interests of other persons or bodies of the same category or class'. A Bill has not been regarded as hybrid if all the persons or bodies affected by it, and no others, belong to a category or class germane to the subject-matter of the Bill.

If that definition is accepted by the honourable member I believe there is no further argument. There is no question that this is a public Bill. It was introduced by the Government as a public Bill: it is not a private Bill.

The Hon. R.C. DeGaris: It's not a private member's Bill.

The Hon. C.J. SUMNER: It is not a private Bill, either. Mr President, it does not, in fact, comply with any of the requirements of that definition of May. It certainly does not affect a particular private interest in a manner different from the private interests of other persons or bodies of the same category or class. I argue that it does not even affect a private interest. Therefore, at the threshhold, it is not even a hybrid Bill. It certainly does not affect a private interest in a manner different from the interests of all those people in that category, namely, kindergartens.

The Hon. R.C. DeGaris: Are all kindergartens affected by the Bill?

The Hon. C.J. SUMNER: All kindergartens under the Kindergarten Union are affected by the Bill. So, it affects all that class of kindergartens that are registered or incorporated under the Kindergarten Union.

The Hon. R.C. DeGaris: That does not affect other preschool places, perhaps in the private sector.

The Hon. C.J. SUMNER: That being the case it affects the whole of that class of kindergarten. That is what the

definition says. It is quite clear. If the honourable member wishes to look at some examples that have occurred where it has been ruled that a Bill was not a hybrid Bill, they are contained on page 909 of Erskine May, twentieth edition. The following are some examples of where the objections were over-ruled:

In 1921 it was suggested that the Railways Bill, a government Bill, one of the proposals of which was to amalgamate the various railway companies in certain groups, should be treated as a hybrid Bill, but the Speaker ruled that the Bill dealt with a question of public policy affecting all the main railways of Great Britain and should proceed as a public Bill.

I would have thought that that was analogous with the situation we are dealing with today. Erskine May continues:

The Electricity (Supply) Bills of 1926 and 1934-35, both government Bills, were not referred to the Examiners, but objections were raised in the House that they should have been treated as hybrid Bills. The Speaker ruled that they should proceed as public Bills as they affected electricity undertakers of any particular class alike and dealt with matters of public policy.

It was proposed in the Iron and Steel Bill of 1948-49 to vest in a statutory corporation all securities of companies listed in a schedule, which were within the limits for acquisition laid down in a second schedule; certain subsidiary activities were also exempted. It was objected that the Bill affected individual corporations and not all corporations within a similar category, and should therefore be referred to the Examiners. The Speaker, however, ruled that the Bill concerned a matter of public policy and dealt with private interests only generally, as respected a particular class.

Mr President, there are other examples in similar vein, but I emphasise that it has to affect a private interest in a manner different between the organisations or institutions in that class. I further submit that it does not affect a private interest. With respect to the argument put forward by the Hon. Mr Burdett, he relied on the first schedule, the transitional provisions, which state:

(3) All property, rights and liabilities vested in or attached to the Kindergarten Union of South Australia immediately before the commencement of this Act, shall, upon that commencement, vest in, or attach to, the Minister.

The Hon. Mr Burdett relies on that to say that it is affecting a private interest. My submission is that quite clearly it does not—that in fact the Kindergarten Union of South Australia already, under its statute (section 5 (2) *(d)*), holds its property on behalf of the Crown. So, the Kindergarten Union does not hold its property independent of the Crown. That is quite clear from section 5. So, no private interest is being affected by the first schedule. Section 24 of the Kindergarten Union Act states:

(7) Upon dissolution of a registered branch kindergarten, its assets shall vest in the Union, and the Board may dispose of those assets in such manner as it thinks fit.

Again, one has a situation where presently, if a branch kindergarten is dissolved, its assets vest in the union. The Kindergarten Union holds all its property on behalf of the Crown, so how can it be seen that a private interest is affected. It is the most tenuous of arguments, with respect.

First, I say, within the terms of that definition, that no private interests are affected, and I refer to the Kindergarten Union Act. But, even if there are private interests affected, the interests of a whole class of kindergartens, being the kindergartens registered or incorporated under the Kindergarten Union Act, are affected equally: they are not affected in a discriminatory manner. Finally, I do not believe that the honourable member could in any way be relying on Standing Order 268. I submit that it is completely irrelevant to the discussion, as it deals with Bills which:

(a) have for their primary and chief object to promote the interests of one or more Municipal Corporations, District Councils, or public local bodies, rather than those of Municipal Corporations, District Councils, or public local bodies generally;

I do not see that this can be interpreted as promoting the interests of any particular local body in a manner different from others. It is certainly not the authorisation authorising the granting of Crown or waste lands to any individual person, company, corporation or local body. The argument is reasonably clear cut. I do not believe that there is any basis for what the honourable member has said, and I think he conceded in his speech that the argument was somewhat tenuous and was not an argument that he held very strongly. I submit that, if there is an examination of May in conjunction with the examples given there as to when Bills were held to be hybrid Bills in the House of Commons, reinforced by the terms of the Kindergarten Union Act, there is no case for you, Mr President, ruling that this be referred to a Select Committee as a hybrid Bill.

The Hon. J.C. BURDETT: First, I refer to the general arguments that I made before, namely, that the three bodies concerned—the Kindergarten Union, the independents and the child/parent centres—had disagreed with the Bill and claimed that they had not been consulted. Those matters should be taken into account by the Council in deciding how it votes on this motion of whether or not to refer the Bill to a Select Committee. The first schedule is really a lie. Relating to transitional provisions, it states:

(3) All property, rights and liabilities vested in or attached to the Kindergarten Union of South Australia immediately before the commencement of this Act, shall, upon that commencement, vest in, or attach to, the Minister.

That is not true. It is not transitional; it is permanent. I take issue with the Government in the dishonest way in which it introduced this measure. It tucks this provision away in a schedule and calls it 'Transitional Provisions' and makes it a provision in the schedule which is not transitional at all, but permanent. It is stupid to say that that is transitional. If this Bill is passed with the schedule then forever and ever, and not transitionally, the property will be vested in the Minister.

I do not think that the matters raised by the Attorney-General were entirely relevant. We are not concerned with Erskine May and the various matters raised by the Attorney; we are concerned whether this particular issue is a matter which, under our Standing Orders, ought to be referred to a Select Committee—whether in fact it is a hybrid Bill. I was interested to hear that the matters raised by the Attorney were all matters of private and public interest. This is very much a matter of private and public interest because, as I said when I spoke to this matter earlier, at least two institutions—Lucy Morris and Hackney—were areas where the money had been raised privately and where the property was vested in the Kindergarten Union. It was not public money; it was raised privately and vested in the Kindergarten Union.

In some cases, where money was raised privately, the committees were incorporated under the Associations Incorporation Act, and that is okay. However, in the two cases that I have mentioned the money was raised privately, not by the Government, and the property was vested in the Kindergarten Union. That very much raises the question of private property—'private' meaning property vested in a legal person, that person being the Kindergarten Union.

The Hon. C.J. Sumner: The Kindergarten Union holds the property on behalf of the Crown.

The Hon. J.C. BURDETT: All right. It is private property vested in a person, namely, the Kindergarten Union. Quite apart from all that, to me it is totally wrong and unjust and it would be a disgrace to Parliament if Parliament were prepared to rip off property which has been raised for particular purposes and vested in a Minister. In regard to the properties that I have mentioned, and others, money has been raised by individuals for particular purposes. To take that money away from them and vest it in the Minister

would be totally unjust, improper and a complete disgrace to this Parliament.

The Hon. C.J. Sumner: Have you ever done any fund raising for local schools?

The PRESIDENT: Order!

The Hon. C.J. Sumner: All the money goes to the school; it is raised privately.

The Hon. J.C. BURDETT: Sometimes I think that might be quite wrong, too. In regard to the two bodies I have mentioned, the money was raised by people who thought that the money was going to their local community kindergarten, or whatever one likes to call it. The money was vested in the Kindergarten Union.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The Attorney-General has already spoken at some length.

The Hon. J.C. BURDETT: The point that I am making is that there were people—

The Hon. Anne Levy interjecting:

The Hon. J.C. BURDETT: I am replying. There were people who in this regard raised money for particular purposes and for particular centres. They would be disillusioned if they found that the money was to be taken away from them, which is expressly done by the first schedule, and then vested in the Minister. I also raise the point that I have made before as to the bodies concerned not being properly informed, and being opposed to this Bill. In conclusion, Mr President, I ask you to rule on the question that I have raised, that this is a hybrid Bill and is required under Standing Orders to be referred to a Select Committee.

The PRESIDENT: I have given due consideration to the matter raised by the honourable member. I do not believe that it qualifies as a hybrid Bill. I have listened with interest to the argument promoted by the Hon. Mr Burdett and to the Attorney's rebuttal. Quite simply, I do not think they needed to go to that amount of trouble. Of course, my ruling is subject to agreement by the Council. Standing Order No. 268, referring to hybrid Bills, provides that they:

(a) have for their primary and chief object to promote the interests of one or more municipal corporations, district councils, or public local bodies.

I do not believe that this Bill does that. In actual fact, I suggest that it does the opposite. For that reason, I do not believe that it is a hybrid Bill.

The Council divided on the motion:

Ayes (9)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner (teller).

Pair—Aye—The Hon. C.M. Hill. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Motion thus negatived.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.C. BURDETT: I ask the Minister to report progress so that honourable members can prepare amendments.

The Hon. J.R. CORNWALL: A number of issues and amendments have to be considered, and a good deal of talking must be done in the next 24 hours. I ask that the Committee report progress and seek leave to sit again.

Progress reported; Committee to sit again.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

This Bill amends the Renmark Irrigation Trust Act, 1936, to enable capital recoveries to be made from ratepayers in circumstances where ratable irrigation land is excised from the water irrigation rate assessment as a result of development such as residential or industrial development.

Renmark Irrigation Trust is required to make regular repayments of principal and interest on loans made available by the State Government to rehabilitate the irrigation and drainage works in the district and to install a domestic water supply system as an adjunct to the new irrigation system. The means of funding these repayments is to include a component in each half-yearly general irrigation rate declared by the Trust to meet the amount payable to the Government annually.

Development of certain areas within the Trust's district contiguous to the Renmark township for residential and industrial purposes is reducing the ratable area of the district in that vicinity. This gradual encroachment into the district, which is an inevitable consequence of growth in the Renmark muncipality, is slowly reducing the revenue earning area of the Trust. Unfortunately, the design of the irrigation distribution system is such that the Trust is unable to declare other areas ratable at the extremity of the district to compensate for the loss adjacent to the township.

In the 38 years since the end of the Second World War, some 130 hectares of ratable land has been developed into residential area. It is conceivable that a similar area will be developed during the remaining 38 years of the loan repayment programme. Because the Trust is unable to develop areas at the extremity of the district to compensate for the loss of a possible further 130 hectares from the present ratable area of 4 434 hectares, during the next 30 years or so, the remaining ratepayers could each be required to contribute up to 3 per cent per year more towards the loan repayments.

In view of the above circumstances the Renmark Irrigation Trust has requested that the Renmark Irrigation Trust Act, 1936, be amended. It is considered that the amendments made by this Bill will result in an equitable distribution of repayment of the Government loan among the ratepayer community of the district, irrespective of any reductions in the ratable area which may occur during the term of the repayments.

Clauses 1 and 2 are formal. Clause 3 inserts new section 124a into the principal Act. This section requires payment of a sum representing the landowner's future contributions to repayments by the Trust of loans for rehabilitation of the irrigation and drainage works. Subsection (3) ensures that money paid under subsection (1) will be used for this purpose by the Trust.

The Hon. PETER DUNN secured the adjournment of the debate.

INDUSTRIAL AND COMMERCIAL TRAINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 2607.)

The Hon. R.I. LUCAS: Liberal members in the Legislative Council will support this Bill and are happy to expedite its passage. The Bill seeks to achieve a number of machinery amendments, but primarily introduces much needed flexibility into the parent Act. I will refer briefly to only three matters: the first is in relation to the change of the present Disciplinary Committee to a Disputes and Disciplinary Committee. I quote from the second reading explanation made in another place:

At times difficulties arise between the parties to a contract of training which cannot be satisfactorily resolved even with the involvement of training supervisors and other officers of the Commission. The view is held that a resolution of these difficulties could be aided by the involvement of the committee, which has members representing the interests of both employers and employees. Thus the Bill proposes that the Disciplinary Committee be renamed as the Disputes and Disciplinary Committee and that it be given power to deal with disputes between parties to a contract of training whether or not there has been a breach of the contract of the Act.

Clearly, and certainly in my view, that is a sensible amendment and one that we support.

The second matter—once again, a sensible amendment—deals with the delegation of powers or functions under the parent Act. A provision is, in effect, inserted by the amending Bill into the parent Act to widen the category of people to whom the Commission can delegate its functions. At present, the machinery is such that the function of approving employers to take on an apprentice or a trainee under a contract of training is generally done by the Chairman or Deputy Chairman. I am advised that it is a time-consuming task, and certainly not an overly onerous one once one gets into the swing of things.

The decisions in the past, whilst they have been taken by the Chairman or Deputy Chairman, have been based on the recommendations of a training supervisor. So, the quite sensible recommendation contained in the Bill is that the Commission establish the criteria for approval and that the power to approve be delegated to the senior training supervisors on recommendation from the training supervisors. Quite simply, it is just a delegation further down the hierarchy, within the Commission and absolute control, of course, will remain with the Commission.

Once the criteria are established it is felt—and I certainly support it—that the training supervisor level is the most appropriate level for this sort of decision to be taken. The third and final area on which I want to comment concerns the position of apprentices when a business might be sold. Of course, this relates to the question of what is known in the trade as out-of-trade apprentices. The 1982-83 Annual Report of the Industrial and Commercial Training Commission defines out-of-trade apprentices as:

Someone who is not currently employed, having had their contract of training terminated due to economic circumstances but who have completed part of the required training programme for their vocation and are seeking to complete this training if employment can be found.

The matter to which I am referring is where a business is taken over. It would relate only to a subsection of out-of-trade apprentices but I am informed that it is a relatively important subsection. The same 1982-83 report provides the following statistics:

Out-of-Trade Apprentices 1983

January	225
February	218
March	244
April	269
May	204
June	217

I have been unable to obtain from the library more up-to-date figures about how the number of out-of-trade apprentices has moved over the past year. Nevertheless, the comment at that time was that whilst still a significant number and hopefully to be reduced in the future, it was at least being maintained at a level between 200 and 250 in South Australia. In his second reading explanation the Minister makes the following comment:

A further amendment proposes that contracts of training in force at the time of a change of ownership of a business will be deemed to be assigned to the new owner.

Put simply, if someone buys a business and the business has an apprentice working for the business, the new owner takes over the contract of training for the apprentice in question. I refer again to the Minister's explanation:

This provision is to protect the interest of apprentices and other trainees by preventing their displacement in situations where a new owner may decide not to employ apprentices or wishes to offer the apprenticeships to other persons in their stead. The provision will assist in restricting the size of the pool of 'out-of-trade' apprentices.

The Minister continues:

Of course, where there are circumstances which justify termination, suspension, transfer or assignment of a contract of training by the Commission a new owner is no differently placed than any other employer of an apprentice or other trainee. The rights and obligations under the contract pursuant to the relevant provisions of the Act will apply.

Put simply, the new owner, if economic circumstances dictate, can go to the Commission and argue that it is no longer economic for the owner of the business to continue the contract with a particular apprentice, and the apprentice will become an out-of-trade apprentice. With those few words I indicate my support for the Bill. The Minister informs us that there has been extensive consultation within IRAC and with a number of other industry groups. Certainly, there appears to be broad support for the Bill within the community, and I place on the record the Opposition's support for the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—'Requirement to attend approved course of training.'

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

Page 4, line 37—Leave out 'a course' and insert 'an approved course'.

This mere drafting amendment picks up the reference to approved courses of instruction that was made in the earlier subsection of section 25.

The Hon. R.I. LUCAS: I indicate the Opposition's support for this sensible amendment.

Amendment carried; clause as amended passed.

Remaining clauses (12 to 14) and title passed.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 February. Page 2518.)

The Hon. L.H. DAVIS: It is appropriate that we are debating this measure at a time when the Australian dollar is collapsing as against the US dollar. In a matter of only a few weeks the Australian dollar has declined by nearly 20 per cent against the US dollar and 13 per cent against the trade weighted average of the currencies of our major trading partners. In fact, if honourable members look back to only mid-1981, when the Australian dollar was $1.15 as against the American dollar, they will see that in the short space of 3½ years the Australian dollar has depreciated by more than 40 per cent as against the American dollar.

The overwhelming percentage of our exports are commodities: agricultural, pastoral and mineral. In fact, that figure is in excess of 70 per cent of total exports. At present our agricultural products are under pressure from falling commodity prices and the policies of the European Economic Community. Our mining and energy companies are also feeling the pressure of softer commodity prices, which reflects in part technological developments and severe competition from countries such as South America which, for example, sell copper as a social metal to earn export income to pay off mounting debts.

It is expected, in fact, that Australia's current account deficit for 1984 will be as high as $11 000 million. That figure is one of the highest for any country in the world relative to gross domestic product. Why has there been this dramatic fall in the value of the Australian currency against the American dollar and the currency of other major trading partners? I would suggest that it reflects a lack of confidence in the Australian economy, our high salaries and wages structure, the explosion of on-costs, in part the MX missile decision, the lack of development of our technological base, and an increase in external debt. We can see that in 1984 the repayments of overseas borrowings—

The Hon. Anne Levy: What are we on? Is this relevant?

The Hon. L.H. DAVIS: The honourable member will find out in a minute. Repayments of overseas borrowings for 1984 will equal 28 per cent of Australia's export receipts. Only last week the Chairman of Mount Isa, Mr Bruce Watson, said:

> Australians are apathetic, under-motivated and not well prepared to survive in a highly competitive and rapidly changing world.

We see comments from people such as one of the key finance writers in the *Weekend Australian* for the week ended 23 and 24 February; he said:

> Simple sums show that over-generous sick leave, long service, annual loadings, four weeks annual leave, pay-roll tax, workers compensation and so on have put Australia out of competitive balance with our trading partners. The dollar proved that last week. For about 37.5 weeks of work, the employer has to pay 71.7 weeks of pay, which is a punishing 1.9 weeks wage for every week worked.

That is the background. The Hon. Anne Levy asks 'What is the relevance of those observations to the Bill before us?'

The Hon. Anne Levy: You are quite right. I nearly took a point of order.

The Hon. L.H. DAVIS: If the honourable member continues to listen, the facts may become more apparent.

The Hon. J.C. Burdett: What is long service leave in the United States?

The Hon. L.H. DAVIS: Exactly. The fact is that long service leave is particularly unique to Australia.

The Hon. Anne Levy: It is either unique or it isn't. It can't be particularly unique.

The Hon. L.H. DAVIS: It is one of the burdens that employers have to carry, and if we are serious about having a competitive economy, we must look seriously at these questions. In fact, already the consequence of our falling dollar is becoming obvious. Interest rates are starting to move. It has been calculated that, if our dollar stays at the current level, that is, at about 70c to the United States dollar, the higher import prices feeding in to Australia through imports will result in an increase of about 3 per cent in our inflation rate over the next 18 months.

The Hon. R.C. DeGaris: I reckon Henry Lawson would even be turning in his grave on the $10 note, don't you?

The Hon. L.H. DAVIS: He would; it would not be worth much to turn on, though. The alternative in keeping down inflation is to increase interest rates so that funds are attracted into Australia. Indeed, that phenomenon is already occurring. Interest rates at both the short end and the long end of the capital market have moved out quite noticeably in recent days. That is a useful background to the subject before us.

It is also instructive to review the history of long service leave in Australia, because there is no doubt that at present, with the salaries and wages accord, some 5 000 union officials in a fiercely competitive environment are trying to justify their existence. When wages, allowances and other benefits to workers are being tightly controlled by tribunals and other institutions and by accords with Governments, what do those union officials do? They must justify their existence. Of course, some of them will look very positively at features such as occupational health. There has been continued presssure in the building industry for increased superannuation benefits; there has been talk of industrial democracy; compulsory unionism has raised its head in the community and indeed through State Labor Government legislation across Australia; and now we see pressure in the long service leave area. This matter is not only the subject of the Bill before us but also a priority in the oil industry.

I have already stated that Australia is distinctive for its long service leave provisions. The Hon. Anne Levy may quibble about the semantics, but I hope that she would not quibble about that fact. Long service leave was introduced in the halcyon days of the 1950s when there was low unemployment and post war economic growth. In fact, Victoria led the way in 1953 by introducing long service leave. Long service leave was introduced shortly afterwards in New South Wales and South Australia and then in Western Australia and Queensland. In 1964 long service leave was introduced at a Federal level. The original formula for long service leave was 13 weeks paid leave after 20 years continuous service for service given prior to 1964. That was provided for under the Metal Trades Award. Of course, I am talking about the Federal provision for long service leave. After the fixed date in 1964, long service leave was granted at the rate of 13 weeks for 15 years service.

As members opposite would well know, South Australia became the pacesetter; in 1972 we introduced 13 weeks long service leave after only 10 years service. In fact, it can be truthfully said that South Australia has the most generous long service leave provisions in the world. The current provisions in New South Wales, Victoria, Queensland, Tasmania and Western Australia and under the Federal award are similar—13 weeks leave for 15 years service. As I said, South Australia leads the way with 13 weeks leave for only 10 years service. I understand that the Victorian Government recently considered moving into line with South Australia.

It is interesting to note what the impact will be in those other States that are seeking to move into line with South Australia by adjusting long service leave to 13 weeks for 10 years service as against the existing provision of 13 weeks for 15 years service. A calculation was done by the Australian Bureau of Statistics, and I refer to a publication of the Bureau, number 6302.0, published in April 1984 which showed that at that stage the average wage was about $366. If an adjustment is made to take into account long service leave after only 10 years service instead of 15 years, the additional cost per person for each of those other States would be $3 a week. Putting it another way, South Australian employers are already paying an additional $3 a week per worker because this State has the most generous long service leave provision—not only in Australia but also in the world.

However, not only is there an additional cost to the employer, interestingly enough in a State that boasts that it is one of the cheapest places in which to do business. Beyond that additional cost to the employer is the loss of output and production, which is a consequence of greater leave absences. Then, of course, there are further intangible costs that one can discuss such as reluctance to commit additional money to fixed capital investment that results

from additional charges for labour. These exploding on-costs, as I have already mentioned, are a positive disincentive to employers. Therefore, this Parliament, and indeed the Australian community, have to seriously address the question 'Can the nation afford it?'

On any rational basis, if we have increases in on-costs and salaries and wages we have to be able to afford them. The evidence is there clearly for us to see, in the sharp reduction in the dollar, that this nation cannot afford it.

The background to the legislation that we are addressing tonight is that the Long Service Leave (Building Industry) Act was first introduced in 1976. It is interesting to note that the State Labor Government initially intended to cover all industries with this provision, but a Select Committee in another place recommended against it, so the Bill introduced in 1976 was limited to workers in the building industry. Certainly, one can see the merit of special provisions for those who work in the building industry.

We all accept that there is a high mobility of labour in the building industry. So the central aim of the legislation was to provide for long service leave for workers who might move within the industry from one employer to another, or might move out of the industry for a period of time, perhaps because the industry had fallen on hard times, and then move back into the industry later. The levy on employers was set initially at 2½ per cent of the total wage. The legislation provided that employers should contribute to a fund that was administered by the Long Service Leave (Building Industry) Board.

One of the observations made at the time that the debate first took place was that often award wages in the building industry are higher than those in other industries. That, of course, recognised that the building industry was more erratic in nature, and so compensation was made for that by providing higher award wages to workers in the building industry. The Hon. Don Laidlaw, who was most familiar with the operation of the building industry, made that point at the time the Bill was initially debated. The Long Service Leave (Building Industry) Board reports annually. I understand the provisions of the Act that are administered by the Board now cover some 12 000 workers and about 1 100 employers are registered. The balance of the fund is currently $10 million. The Tonkin Liberal Government reduced the contribution required from employers from 2½ per cent, which was the figure set when the legislation first came into force in 1976, down to 2 per cent.

That provides the background to the legislation, as first introduced in 1976. Several amendments are proposed in this Bill and I will briefly canvass and comment on them. At present the Commissioner of Stamps collects contributions to the fund. The Auditor-General has recently observed that this has caused administration difficulties and confusion as between the Commissioner of Stamps and the Long Service Leave (Building Industry) Board, and quite sensibly the Bill makes provision for the Long Service Leave (Building Industry) Board to take over the collection of contributions from the Commissioner of Stamps. This is a much more efficient and effective mechanism and I understand that that follows the lead of other States.

It would be interesting to know what savings will flow from requiring the Long Service Leave (Building Industry) Board to make collection of contributions from employers rather than from the Commissioner of Stamps because I understand that the Commissioner of Stamps makes a half-yearly charge for salaries and expenses to cover the cost of administration.

The second provision contained in this measure is to extend the time that a worker can be out of the industry and yet still qualify for long service leave under the provisions of the legislation from 18 months to 36 months. At first glance that may seem to be an extraordinarily long time—that a worker can leave the building industry for up to three years, return and still be able to count his earlier service in the building industry towards long service leave. I would be interested to know what are the provisions in the other States in respect of this matter but, as I have already mentioned, there is general acceptance of the fact that the building industry's volatile nature means that there is extraordinary portability, not only between employers within the building industry but also across State boundaries—it is not uncommon to see building workers move from State to State as big projects come up.

The Hon. K.L. Milne: It seems perfectly fair in the building industry.

The Hon. L.H. DAVIS: The Hon. Mr Milne says that this provision seems quite fair. We are talking, of course, about the provision that allows building industry workers to be outside the industry for 36 months and still come under the umbrella of the Long Service Leave (Building Industry) Board provisions.

The Hon. K.L. Milne: They are subject to fluctuation.

The Hon. L.H. DAVIS: That is right. I generally accept that. Nevertheless, I wonder whether this is in line with what is provided for in other States.

Another sensible provision featured in this legislation to which I have no particular objection is that, if a building worker is at work on a prescribed job creation scheme, he will be deemed to have been continuously employed in the building industry although the length of service on that job creation scheme will not count towards that person's actual long service leave in the building industry—nor will any contribution from employers be made to the fund while they are at work in the job creation scheme.

I think that that is a sensible and equitable arrangement that takes into account the extraordinary unemployment that exists in Australia at the moment and also acknowledges the fact that someone who moves into the building industry and out of it and perhaps into a job creation scheme and then comes back and works in the industry is entitled to some consideration for long service leave.

Furthermore, in line with provisions of the State Long Service Leave Act pro rata long service leave is available for a worker with 84 months effective service, or a lesser period combined with service under the Long Service Leave Act and other qualifications.

Presently, the Act provides that 12 months must expire to allow these qualifications to be played out before that person can qualify for his *pro rata* long service leave. The Bill provides for the Board, in certain circumstances where it believes it appropriate, to pay someone out ahead of that 12 month period.

I have already mentioned that the current legislation provides for portability, that is, building industry workers can move from employer to employer, and in and out of the industry, and still qualify for long service leave. The Bill seeks to add reciprocity to portability, that is, it seeks to allow building industry workers to move across State boundaries and back again, and perhaps across State boundaries again, and keep adding this service within the building industry to their long service leave.

The Hon. K.L. Milne: In the new state?

The Hon. L.H. DAVIS: Yes, in the new state. Of course, this will be a matter for some debate, no doubt, during the Committee stage. I understand that reciprocal arrangements already exist in all States except Queensland, or if they do not exist they have been flagged by State Governments. Reciprocal arrangements open an interesting area.

I believe Australia must steadily move towards more flexibility in employment opportunities. It must move to encourage occupational superannuation rather than try to

devise some horrendously expensive open-ended national superannuation scheme. Similarly, I believe that there is much merit in encouraging portability from the private sector to the public sector, and vice versa.

It is good and healthy for an economy and, indeed, for employers and employees alike, for there to be portability and superannuation benefits that can be transported, along with other accrued benefits, from employer to employer, from the private sector to the public sector, and from one State to the other. I say that with a strong proviso: that there must be a clear recognition on the part of unions and Governments alike that those very real costs have to be borne by the economy.

The Hon. K.L. Milne: They still remain in the balance sheet of the company that the employee had left.

The Hon. L.H. DAVIS: That is right. If one introduces portability into occupational superannuation schemes, one is talking about an additional 10 per cent cost to the employer. It is about time that Australia realised that if it is to give these additional benefits, such as outlined in the Bill tonight, then it should be taken as part of an overall package that an employee is receiving, and if additional benefits are sought by way of long service leave, shorter hours, or occupational superannuation—as is being fought for presently in the building industry—it may be that the *quid pro quo* for those additional benefits will be foregoing part or all of a wage increase. It is time for us to grasp the economic reality which is being brought home in very stark terms presently by that plunging Australian dollar. Therefore, while reciprocity sounds fine and while we read in the second reading explanation that most States appear to have adopted or are in the course of adopting it, there is an additional cost.

One of the more serious matters—arguably the most central of all matters—canvassed in the Bill is that the definition of those covered by the Act is widened to take into account those who work in the building industry, but whose work is subsidiary to other activities. The second reading explanation cites someone working for a quarrying company who may provide a building labourer on site, who may not principally be engaged in the building industry as such and who previously would not have been picked up by the legislation but, because of the definition change proposed in the legislation, will now be picked up.

The argument is made that some employers deliberately avoid the provisions of the Act. Very little evidence is given of that, and I would hope, during the Committee stage, we can debate this to ensure that what is proposed is properly understood. My main concern about this broadening of the definition is that it could be the thin end of the wedge.

One of the most disappointing aspects of the second reading explanation is that there has been no statement of the economic impact of this legislation; there has been no attempt to say how many people will be brought in the net; and there has been no attempt to measure the cost to the employer. These are questions for which answers are demanded.

The Hon. K.L. Milne: How many people will lose their jobs?

The Hon. L.H. DAVIS: Yes. How many additional workers will be brought in under the provisions of the Act? Does the Government believe that unions will use the provisions of the Act to try to catch more people under the provisions that exist in the Long Service Leave (Building Industry) Act? To explain that, a person who may be on the fringe of the building industry, for example, a pest control officer, a glazier or a landscaper, could be naturally picked up under the provisions of the general Long Service Leave Act and the employer, after the required period, will provide long service leave for that worker.

However, if by widening the definition of those people who are caught under the terms of this legislation, that worker is deemed to be a worker for the purposes of the Act, the employer will be required to make a 2 per cent contribution to the Long Service Leave (Building Industry) Fund. So, instead of having the benefit of being able to keep his provision for long service leave within his company and be able to have the money work for the company, that employer has to give that 2 per cent up to the Long Service Leave (Building Industry) Board by way of contribution. That is a significant cost the employer has to bear.

What number of workers will be caught by this wider legislation? Does the Government believe that the unions will use this broader definition to force employers into the Long Service Leave (Building Industry) Fund, forcing them to give their 2 per cent contribution to the Board and lose the use and enjoyment of that money within the industry? The Hon. Mr Milne, as a former accountant, knows full well what I am on about on that point—it is most important.

I will be interested to hear the answer to it. Furthermore, I will be interested to hear whether this legislation, which seeks to bring more workers within the net for long service leave, will be retrospective in nature. As an example, I refer to an itinerant building labourer who is not presently deemed to be caught by the provisions of the legislation. Will the employer of that worker be forced to provide 2 per cent per annum going back to the time when the worker first joined his firm; or, for instance, if the worker transferred from a previous employer, will the first employer also be forced to make a contribution to the fund?

It also raises the very relevant question as to whether the Government intends to extend these provisions to other industries with large numbers of casual workers. We can think of many industries in this category, including the hospitality industry, the cleaning industry and the shearing industry.

I have already raised the question as to what savings will flow from the proposal to bring the administration and the collection of contributions under the umbrella of the Long Service Leave (Building Industry) Board, instead of having contributions collected by the Commissioner of Stamps.

Does the Government accept that the explosion of add-on costs should be taken into account when determining the capacity of industry to pay? What is the Government's view when it goes before the Conciliation and Arbitration Commission? At this very moment the national wage case is being decided. What is the South Australian Government's attitude towards some of the economic matters being canvassed there? It is disappointing that the Government has not taken a strong stand on any of those matters but, apparently, has acquiesced quite tamely to the ACTU's demand for a full 2.7 per cent increase in the national wage.

Finally, I will sum up the provisions contained in these amendments to the Long Service Leave (Building Industry) Act. The Government has suggested, by implication in the second reading explanation, that the provisions of the Bill are not very far-reaching. During the Committee debate in another place, that implication was reinforced on several occasions. I believe that the provisions could be quite insidious.

My concerns have been expressed in my questions, which I expect to be answered in the Committee stage. It is simply not good enough for Governments and unions to expect to have increased burdens placed on employers in the face of mounting evidence that Australia is rapidly losing its competitive position on world markets. Indeed, one only has to look at Australia's performance over the past decade to see how much it has slipped as a trading nation. We have only to note some of Australia's most distinguished economists on both sides of the political fence who say, for example,

that within a decade Australia's standard of living will be less than that of Singapore. In a State Parliament perhaps we should not be debating matters of national importance. However, if we as a Parliament are going to be serious in our belief that South Australia should have a competitive advantage over other States, given that we have a geographic disadvantage, we have to take legislation like this seriously.

It has been noted on more than one occasion in this place that at the end of the Playford era (that is, 1965) South Australia was said to have a 7 per cent cost advantage over New South Wales and Victoria. By 1981 that cost advantage was said to have slumped to no more than 1 per cent. Of course, that reflects the fact that there had been an increase in Federal awards and that State awards were tending to reflect much more that magic phrase 'comparative wage justice', to the extent that probably the 1 per cent differential cost advantage which was said to exist between, on the one hand, South Australia and, on the other hand, New South Wales and Victoria was probably only occasioned by the time lag involved in having the flow-on in salary or wage increases. On the face of it, we can see that the legislation may be said to be trivial by the Government. However, I think the issues raised are fundamental, they are important and they deserve the serious attention of this Council in the Committee stage.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.
(Continued from 19 February. Page 2583.)

The Hon. K.L. MILNE: I am a little surprised to see the Local Government Act being amended so soon after its complete review in May last year. I also think that there is a danger with amendments to the Local Government Act, because if we are not careful we will apply the same standards to this Act as we have to the Companies Act. There is a very great difference between, on the one hand, the State and Federal Parliaments and, on the other hand, local government. There is only one State Parliament trying to govern this State, whereas there are dozens of local Parliaments (if one can put it that way) governing their allotted areas.

Co-ordination of councils is vital, but putting them in a straitjacket is not. It is not necessary to drill councils quite as strictly as directors in limited companies, or not yet, anyway. The Local Government Association and the Adelaide City Council in particular are very concerned with the suggestion that the powers of the Road Traffic Board should be increased dramatically to the extent that it is the deciding body on the opening and closing of roads which are the responsibility of local government. I think all members would know that some roads are the responsibility of the State Government, some of the Federal Government and some of local government. The Adelaide City Council and the Local Government Association have both made submissions. I think that the case made by the Town Clerk of the City of Adelaide is unanswerable, and I am very pleased to see that the Government has agreed to make consultation virtually compulsory.

However, its amendment actually says that closures, in particular, 'should be referred by the council to the Road Traffic Board of South Australia for consultation and advice'. That is what the Local Government Association itself proposes and it seems to cover the matter.

When one looks at this carefully, one realises that the amendment puts the status of all local government by-laws under threat, because the Government proposes that certain of them may be set aside by a statutory authority. This is taking the powers of the Road Traffic Board, in particular, beyond what is needed and beyond what was originally intended. Furthermore, it is a very dangerous precedent and obviously wrong in principle to place local government in the hands of a statutory authority. I am sure that that was not intended, and it is quite unacceptable. The Government has recognised this and has solved the difficulty. I therefore support the amendment that the Government has proposed, and also I will move that the advertisement required to be inserted under section 46 (3) should be extended to include a newspaper circulating in the area.

On the question of voting for council elections, we will not support the Opposition amendment introduced by the Hon. Murray Hill. We support proportional representation, and so does the Government, we are very glad to see. I cannot understand why the Liberal Party has chosen to introduce one of the least satisfactory voting systems known.

The Hon. R.C. DeGaris: It is already there.

The Hon. K.L. MILNE: How does the honourable member mean, 'It is already there'? We will not support the Liberal Party's amendment regarding the penalty for councillors who refuse to fill out a register of interests. I know what it is trying to get at: the Government's sudden death amendment is draconian. To say, 'If you refuse to fill in a form your seat becomes vacant', is taking out a sledgehammer to drive in a tack, but the Liberal amendment has really not solved the difficulty, because it is saying that in the first instance there should be a fine and then resort to the courts.

All that is needed is a warning that after the time set down in the Act now (the 30 days initially, or 60 days when the scheme was running) for the submission of a statement of interest, if the register of interests has not been submitted the councillor concerned should receive a warning in writing from the executive officer that his seat will become vacant 30 days from that date. The Government is wise in putting its foot down and saying, 'That is the law and you will fill it out or get out.' I agree, but that is not the way to treat local government councillors who regard themselves as doing a civic job, at considerable expense very often, without being paid for it.

I agree that if there is no response after that 30 days warning the remainder of the Government amendment should come into play, but I will move to amend section 8 of the original legislation to cater for this warning system. That is only courteous and sensible in these circumstances. We are not dealing with crooks, and we are not dealing with very many cases: they are quite rare. In the initial stages there was a lot of talk about it and a lot of martyrdom. I know that people wanted to look like martyrs, and the Government wants to prevent that. So do I: it is foolish. A warning system would overcome the martyrdom problem because it is not making it indefinite. It is quite definite what will happen, but it just gives the person a warning and 30 extra days grace. If it does not solve the problem, I would certainly be prepared to look at the matter again. The remainder of the Government amendments now will be supported by us.

There remains the problem of the agenda being on display. Clause 7 of the Bill provides for an amendment to section 58 (3) of the Local Government Act whereby the Chief Executive is required to place a copy of the notice of a council meeting and agenda on public display in the principal office of the council, such notice to be kept on public display until the completion of the meeting. Whilst it is probably the Government's intention to further promote public involvement and interest in local government, which hon-

ourable members will find is about as much a lost cause as getting them to take interest in Parliament, opposition has been expressed by local government to this amendment.

Section 62 (2) of the Act provides that a council or council committee may order the exclusion of the public from attendance at a meeting in order to enable a meeting to consider in confidence certain matters that are specified in the Act, such as legal or professional advice, acquisition or disposal of land, staff matters to be dealt with on a confidential basis, and so on. The main concern of councils is what constitutes an agenda: what does the Government mean by putting on display the agenda of a council meeting or a committee meeting. They are rather concerned that the council might in some instances be required to include certain other details. Often, an agenda sent out to people—I am not talking only about agenda papers—sometimes includes an enlargement of a sentence or two in the notice, explaining what the matter to be discussed really is. If it is deemed to include agenda papers, that is completely out of order and would be quite unacceptable.

What we want to avoid, and we went to considerable trouble in the Act to avoid, is that there should be public access to confidential matters. That may not be in the best interests of the good government of the area. If local government is what it is supposed to be (namely, much closer to the people and a much more personal form of government) one cannot treat it the same as a notice paper in Parliament. Development through land acquisition could be impeded, and litigation issues could be adversely affected by publicly displaying information that was in the process of the formation of a council policy. I am informed, however, that an agenda is deemed to be only a notice paper listing items for consideration and discussion, without specific detail. If that is so, it may be acceptable. In fact, to me it would be acceptable, but I want to ensure that that is so. I foreshadow an amendment to have it spelt out clearly that all that is required for that public notice is for a list of subjects to be discussed.

Some councils and inexperienced clerks or chief executive officers could interpret the Act differently and could display information that could lead to a court case. The executive officer and the councillors should be protected by ensuring that all they are required to do is provide a brief list of subjects to be discussed. After all, it is a rare citizen who really wants to know what is going on. From my experience in local government, not just in one council but as President of the Local Government Association, comprising some 30 councils, I can say that the number of people who really take an interest in what is happening is few. Those people who do want to take an interest, either in a council's activities or in a certain item, can easily ascertain the information from the chief executive officer, the town clerk or from the local councillor.

That is how I think it should be done and I hope that the Council will agree to spelling out clearly that councils are not expected to disclose their business to the extent of laying themselves open to investigation. I think I can safely say that we support the Bill in principle and will be seeking the support of the Council in regard to some amendments that will retain the character of the Local Government Act as distinct from the Companies Act.

The Hon. R.C. DeGARIS: I do not want to say much on the Bill, but I wish to point out some facts for the Hon. Mr Milne who, I know, will not mind my doing this: the Hon. Mr Milne is a Democrat in two ways. The Hon. Mr Milne is pleased that the Bill introduces the proportional representation system of voting in all South Australian councils. I do not object to that.

The Hon. K.L. Milne: It's voluntary.

The Hon. R.C. DeGARIS: Yes, sure. What I objected to was the Hon. Mr Milne's saying that the tops down system of voting, which is proposed by the Hon. Mr Hill, is the worst system of voting that we can have. I point out to the Hon. Mr Milne that the worst system of voting that I can find anywhere in the democratic world is already in the Local Government Act: the bottoms up principle that is already there. I would like the Hon. Mr Milne to write down the following figures. There are 100 voters with three people to be elected and five people standing (the candidates being called A, B, C, D, and E). Say 98 per cent of those vote one for A, two for B, three for C, four for D and five for E. No-one votes a one vote for B and no-one votes a one vote for C; one person votes a one vote for D; and one person votes a one vote for E. Let us apply all the systems that we are talking about to that election. Under proportional representation (the proposal in the Bill) candidates A, B and C are elected. Under a vote by a cross, first past the post system, A, B and C are elected. Under the top down system suggested by the Hon. Mr Hill as an option, A, B and C are elected.

In those three systems A, B and C are elected. However, if we apply the bottoms up principle, which we already have in the Act, A, D and E are elected even though 98 out of 100 voters do not want them elected. I ask the Hon. Mr Milne to reconsider his position in regard to the Hon. Mr Hill's amendment because it gives local government a chance to adopt a system which is not proportional representation but which does produce a fair voting system. If that is not done, we are offering to local government proportional representation or the existing bottoms up system which, as I said, is the worst voting system that one can possibly have in any legislation.

As a matter of fact, I cannot find—there may be one—any system in the democratic world that operates on the bottoms up system. Therefore, I ask the Hon. Mr Milne and the Hon. Mr Gilfillan to reconsider their situation concerning the Hon. Mr Hill's amendment. If we can also get rid of the bottoms up principle as well I would be very happy. All I am asking is that we give local government the option of choosing a system other than proportional representation, which it may require, with a system that we can say is absolutely fair in its result. I just wanted to put that proposition at the second reading stage to try to influence the two Democrats to change their views in regard to the Hon. Mr Hill's amendment.

The Hon. J.R. CORNWALL (Minister of Health): I thank members for their constructive contributions. This Bill attempts to do a number of things to the Local Government Act, all of which have been canvassed positively, albeit from different perspectives by the Hon. Mr Hill, the Hon. Mr Milne and the Hon. Mr DeGaris in particular. A number of amendments are either on file or are proposed. The best way to handle these matters is for me not to make a lengthy or detailed reply now but to respond to each matter raised clause by clause and via the amendments, both those that I have on file and others in Committee. I intend to expedite the passage of the Bill to the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PRICES ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

SECOND-HAND GOODS BILL

Returned from the House of Assembly without amendment.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (COMMERCIAL TENANCIES) BILL

Returned from the House of Assembly without amendment.

REAL PROPERTY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.8 p.m. the Council adjourned until Wednesday 27 February at 2.15 p.m.