HOUSE OF ASSEMBLY

Thursday 18 February 1982

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: ELECTRICITY CONCESSION

A petition signed by 83 residents of South Australia praying that the House urge the Government to obtain tariff concessions from the Electricity Trust of South Australia for home dialysis machine patients was presented by Mr Hemmings.

Petition received.

QUESTION

The SPEAKER: I direct that a written answer to a question as detailed in the schedule I now table be distributed and printed in *Hansard*.

LOW ALCOHOL BEER

In reply to the **Hon. PETER DUNCAN** (2 December).

The Hon. JENNIFER ADAMSON: The Minister of Consumer Affairs informs me that the allegations made by the honourable member have been discussed with the management of the premises concerned. Satisfactory explanations have been given.

Existing procedures and legislation are considered adequate to enable action to be taken against any licensee who may be misleading or cheating the public in selling low alcohol beer or any other liquor. If a person were to ask for ordinary alcohol content beer and was provided low alcohol beer, or ordinary strength beer was provided through a low alcohol tap (or vice versa), this would appear to be an offence against section 22 of the Food and Drugs Act.

A complaint about such activity should be directed to the health surveying services section of the South Australian Health Commission. In addition, point of sales advertising, mobiles and bar tap insignias are readily available to licensees to identify low alcohol liquor outlets.

MINISTERIAL STATEMENT

The Hon. W. E. CHAPMAN (Minister of Agriculture): I seek leave to make a statement.

The SPEAKER: Is leave granted?

Mr Millhouse: No.

The SPEAKER: Leave is not granted.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That Standing Orders be so far suspended as to allow Ministers to make statements.

I think that this farce has gone on long enough. The fact is that daily the member for Mitcham looks sillier. There was some early correspondence, which was answered, and it was made perfectly clear that the Government could not accede to the honourable member's request that Ministerial statements be limited to three minutes.

The Government did agree initially, at the whim of the member for Mitcham, to make available a printed copy of the statements before the statements were actually made, so that the member for Mitcham could thumb through them and see whether there was something to which he took objection. The Government made that concession, but it is quite ridiculous to suggest, when Standing Orders dictate that the time for making Ministerial statements will be 15 minutes, whereupon further leave shall be granted, that, at the whim of the member for Mitcham, these statements shall be limited to three minutes. In courteous tones, I replied on behalf of the Government that we could not accede to the request. There is only one recourse open to the member for Mitcham, and that is that he does his best to see that Standing Orders are changed.

What the Government is doing and what the Ministers are doing is entirely in keeping with Standing Orders and, if the member for Mitcham has an argument with anyone, he has it with the Standing Orders Committee and Parliament. I would suggest that, instead of making a fool of himself daily, as he has been doing in relation to this matter, he take the appropriate course and use his influence (if any) to get Standing Orders changed.

Mr MILLHOUSE (Mitcham): The problem about it is that I doubt whether I do have any influence with the Standing Orders Committee, and with great respect to you—

The Hon. Peter Duncan: No, I am on it.

Mr MILLHOUSE: The member for Elizabeth will support me, apparently.

The Hon. Peter Duncan: I would listen very carefully to anything you had to say.

Mr MILLHOUSE: Right. I do not seem to have much influence with the Standing Orders Committee, but I must say, with great respect to you, Sir, as the Chairman of that committee, that I had expected that we would get some suggestions in this place for alterations to our Standing Orders well before this.

However, you, Sir explained to me the other day that the process is very slow. Until we get some alterations, suggested by either the Government or the Standing Orders Committee, this must continue. I may say that only today I settled the draft of a letter to you, Mr Speaker, about a couple of matters for reference to the Standing Orders Committee, of which this matter is one. The other matter concerns petitions, but I will not go into that. You, Mr Speaker, will be receiving a letter from me in any case in the next couple of days. I am replying now to the speech, if one could call it a speech, that was made by the Deputy Premier, or the Acting Premier, as he likes to think of himself, about moving for the suspension of Standing Orders. In reply to that speech, I am now exercising my rights under Standing Orders. I made that clear yesterday, and I do it again.

The Hon. W. E. Chapman interjecting:

Mr MILLHOUSE: Indeed, I will do it every day until we get somewhere on this. In the letter that I wrote to the Premier on 9 November, as I pointed out yesterday when we got to the same stage, I did not state that three minutes should be a hard and fast limit: I merely suggested three minutes as the limit. I said, 'and that such statements will take no longer than, say, three minutes to give'. I am not sticking on three minutes.

The Hon. H. Allison: It is an 80 per cent reduction on Standing Orders.

Mr MILLHOUSE: I do not give a damn about the reduction on Standing Orders. All this has come about because of inordinately long Ministerial statements. As for the honourable gentleman's saying that he replied to me courteously, I point out that the reply was far from courteous, as are most of his letters.

The Hon. E. R. Goldsworthy: Read it all out.

Mr MILLHOUSE: All right, I will read the lot.

Mr Bannon interjecting:

Mr MILLHOUSE: I know that the Leader does not like this: he says that it is a waste of time. However, it shows up the utter weakness of the Leader's Party and the ineptitude of his leadership.

The SPEAKER: Order! I ask the member for Mitcham to come to the point of the debate that is currently before the House.

Mr MILLHOUSE: I will read the letter, as I have been invited to do. It started off, 'Dear Robin'.

Mr Mathwin: Is that 'Robin' with a 'y'?

The SPEAKER: Order!

Mr MILLHOUSE: The significance of that interjection escapes me for the moment, as do most of the things that the member for Glenelg says; even the significance of the honourable member himself escapes me.

The SPEAKER: Order! I have called the member for Mitcham to order and asked him to come back to the debate. I recognise that the member for Mitcham, although he is being provocative, is being abetted by members from both sides of the House, and it will cease.

Mr MILLHOUSE: Thank you, Mr Speaker. I will endeavour to keep on the straight and narrow from now on and get on with quoting the letter that I have been challenged to read out. It states:

Dear Robin,

I have been asked by the Premier to answer your letter regarding Ministerial statements.

The Government did agree to provide copies of Ministerial statements as requested, although Standing Orders do not dictate that this should be done. It is not possible to accede to your latest request, namely, that Ministerial statements take no longer than three minutes.

No reason was given why it is not possible, but that is what the Deputy Premier says. It continues:

A guide is provided in the Standing Orders as to the time which could be used before further leave must be sought. I think you will agree that the latest Ministerial statement by Michael Wilson—

I guess he means the Minister of Transport—

could not possibly have been condensed to three minutes and that the statement he made was a matter of public importance.

I have completely forgotten what it was about now, but no doubt at the time it was of public importance. Listen to this next paragraph—in regard to courtesy! It continues:

As to whether information given is of a Party-political nature is, of course, a matter of judgment. You state that your patience is again exhausted. Let me say that there are numerous occasions when your Parliamentary behaviour tests the patience of other members.

Yours faithfully,

There is the letter. If the Minister thinks that that is the soft answer that turneth away wrath, he is quite wrong. When I received that letter I determined that I would go on until I got some solution to this problem.

The SPEAKER: Order! The question before the Chair is that the motion to suspend Standing Orders be agreed to. Those of that opinion say 'Aye', against 'No'. There being a dissentient voice, there must be a division. Ring the bells.

While the division was being held:

The SPEAKER: Order! There being only one person on the side of the Noes, I declare that the Ayes have it.

Motion carried.

MINISTERIAL STATEMENT: LOANS FOR CANNING FRUIT GROWERS

The Hon. W. E. CHAPMAN (Minister of Agriculture): In a statement that I made on Tuesday regarding assistance to Riverland canning fruit growers, I stated that the terms, conditions and procedures to be followed in applying for the loan component of this scheme would be announced in a few days.

In accordance with that undertaking, I provide the following information. The loan component of $282 000 of the total aid package of $564 000 has been provided by the State Government to alleviate hardship caused by the fall in fruit industry sugar concession (FISCC) 1982 prices for peaches and pears. The project, which we have called the South Australian Canning Fruit Growers Assistance Scheme, will be administered by the Rural Assistance Branch of the Department of Agriculture.

The qualifying amount for individual loans will be related to grower-entitlement quotas of 7 100 tonnes (6 000 tonnes of peaches, 500 tonnes of apricots and 600 tonnes of pears), multiplied by $45 per tonne in the case of peaches, and $30 per tonne for pears. For example, a grower with an entitlement quota of 25 tonnes of peaches would qualify for a loan of $1 125. Because of the shortage of apricots which eventuated, and the fact that the 1982 FISCC price for this fruit is the same as in 1981, apricots will not therefore be included in the scheme.

Assessment of future viability will not be required. Loans in excess of $500 will be secured by memoranda of mortgage, and there will be no charge for preparation of documents. Based on quota entitlements, 163 growers from the total of 377 will be eligible for loans in excess of $500. Loans of $500 or less will be secured by an acknowledgement of debt, which is a simple form of statutory declaration.

Interest will be calculated at a rate of 6 per cent per annum from the date of the advance. Repayments will be in five equal instalments of principal and interest, with the first instalment being due on 1 April 1983. Applications for the loans are to be made to the Rural Assistance Branch on a simple form which will be available within a week at Department of Agriculture offices in the Riverland or on direct application to the Rural Assistance Branch at 25 Grenfell Street, Adelaide. The closing date for the receipt of applications will be 30 June 1982.

MOTION FOR ADJOURNMENT: STAMP DUTY

The SPEAKER: I have received from the Leader of the Opposition the following letter, dated 18 February 1982:

Dear Mr Speaker,

I wish to advise that when the House meets today, Thursday, 18 February 1982, I shall move that the House at its rising adjourn to 2 p.m. on Friday 19 February for the purpose of debating the following matter of urgency:

> The attempt by the Government to mislead the people of South Australia by claiming that they were unaware that credit providers, and in particular bankcard operators, would impose an extra charge on consumers by passing on stamp duty following Government amendments to the consumer protection sections of the Stamp Duty Act in October last year.

Yours sincerely, (signed) J. C. Bannon, Leader of the Opposition.

I ask that those members who support the Leader stand in their places.

Opposition members having risen:

Mr BANNON (Leader of the Opposition): I move:

That the House at its rising adjourn until Friday 19 February at 2 p.m. for the purpose of debating the following matter of urgency:

> The attempt by the Government to mislead the people of South Australia by claiming that they were unaware that credit providers, and in particular bankcard operators, would impose an extra charge on consumers by passing on stamp duty following Government amendments to the consumer protection sections of the Stamp Duty Act in October last year.

The Opposition believes that this is a matter of extreme urgency which must be discussed in this place at the first available opportunity. It is a matter that relates both to the incompetence and lack of ability of the Government and particularly to the way in which the Premier has been

prepared to mislead not only this Parliament but the people of South Australia over, of all things, a matter of State taxes and financial impositions on people. That is rather ironic when we hear the rhetoric that has poured from the mouth of the Premier concerning taxes and what the Federal Government should or should not be doing, as well as changes to Federal taxes and a number of measures that he intends to put to the Premiers' Conference tomorrow, measures that he suggests will ensure that the Prime Minister can follow South Australia's lead.

They are extraordinary statements indeed, but this fiasco over the amendments to the Stamp Duties Act points up more than anything else the problems that this Government is having and particularly the Premier's inability to know what the implications of his actions are when he gets around to taking them and his inability to confess clearly to the public just what pass his actions have got us into.

Unfortunately, the Premier is not here today. However, the Opposition believes that the matter is of such importance that it must be debated at the first opportunity, and this is it. In any case, the substance of the matter is something of course of which the Government as a whole must have knowledge and, indeed, if the Deputy Premier has not been briefed or put into receipt of the documents for which I will be calling, there is something very amiss.

It has unfortunately been too frequent an occurrence that the Premier, in a bit of trouble, suddenly vanishes from the precincts of this House. It has happened more than once. I am not criticising the Premier for going over to prepare himself for the Premiers' Conference. It is vital that he is there, although what impact he will have is somewhat questionable. I am saying that, while this House is sitting, it is a primary duty of the Leader of the Government to be in the House, and it is a great pity that he has seen fit to go away a day earlier. He has not explained precisely why.

Members interjecting:

Mr BANNON: It is a great pity that he has gone over there a day earlier when he knew that he was leaving this matter unresolved in South Australia.

Mr Millhouse: Do you think he should have stayed behind?

Mr BANNON: I think he should have stayed behind, as the member for Mitcham suggests, and cleared up this matter so that we knew exactly where we were going. Unfortunately, he has chosen to slope off to Canberra early in the hope that his absence will blunt the attack to be made on him and his Government.

Members interjecting:

The SPEAKER: Order!

Mr BANNON: Because of the action of this Government, thousands of South Australians are now having imposed on them a charge about which they know nothing and which was unexpected and unwanted. The bills have already gone out, and notifications to all holders of Bankcard have gone out. Thanks to the Government, the law is there to make them pay those bills. In this morning's press and on T.V. news last night we had the unedifying spectacle of the Premier of this State arguing with the chief executive of the Bankcard organisation about who was right and who had given assurances and who had not. It is imperative that this matter be debated on the record. The Premier's absence should not hold that up, because all the documents involved must be available to the Deputy Premier and the Government he is representing in this instance.

Yesterday, the Premier made a Ministerial statement to the House. Why did he make that? Clearly, it was because news had been flashed to him that I had held a press conference about half an hour before the House sat at which I drew attention to the notices that the Bankcard organisation was sending out through the individual banks, and the imposition that this was putting on members of the South Australian public. The Premier hastily had cobbled up some sort of statement to try to get to the top of the issue in this place. All members would have noticed the Premier's absence at the start of Question Time. They would have noted that, in the usual call of the Ministry for statements and matters of documents laid on, you, Sir, were forced to begin with the Deputy Premier and move on. After all other Ministers had been dealt with, the Premier had reappeared in his place and was able to present this flimsy statement which he read to the House—a rush job, put together to try to head off an extremely embarrassing situation.

That statement made my question more relevant, and no doubt the Premier had anticipated that he would be questioned. He thought that his statement would head that off, too, but in fact the statement did not answer the question. I asked whether he had misled the House when he gave those firm assurances last October, and why he had not obtained properly binding undertakings from credit providers before the House passed the law repealing that section of the Stamp Duties Act.

Neither question was answered by the Premier, either in response to my direct questions or, as he tried to say, by way of his earlier Ministerial statement. Those questions still have not been answered, despite all the questioning by the media over the last 24 hours. Instead, he tried to give the impression that he had had firm undertakings from credit providers, including the Bankcard organisation, and that these undertakings had been broken, either deliberately or as a result of some misunderstanding—and he laid particular stress on the misunderstanding, as well he might, because he knew, I would think, in his own mind that it was not a question of assurances having been given, that there was no misunderstanding, because there had never been an understanding in the first place secured by him, particularly with the Bankcard organisation.

Outside the House he went further. He said that the undertakings were not just verbal but were in writing, and that the Bankcard action was directly contrary to the assurances we have received. He suggested that the Government would be prepared to reintroduce the consumer protections of the Act. At this point, I suggest that there was some possibility of fixing up the situation in a hurry, and I wrote to him, pledging that the Opposition would facilitate the passing of such a Bill as a matter of urgency. We do not know yet whether the Premier intends to do that. We have only his public statement and the reply—

The Hon. E. R. Goldsworthy: When did you send it?

Mr BANNON: After Question Time yesterday afternoon.

The Hon. E. R. Goldsworthy: It hasn't arrived yet.

Mr BANNON: In fact, I have had a holding reply from the Premier, delivered to my office yesterday afternoon.

Members interjecting:

Mr BANNON: I think that interjection and the knowledge it displays indicate that we will not get very much out of the Deputy Premier today. Yesterday afternoon and this morning we have made considerable inquiries among the banking and financial institutions that could be affected by this.

Information I have received is completely at odds with what the Premier said yesterday in this place and to the media. It makes clear the Government is trying to raise a smokescreen of distortion to mislead people into believing that it, the Government, is not repsonsible for the imposition of this extra charge. This provision has a fairly long history. I am told that financial institutions, credit providers, have been attempting to have it removed for a long time, a time in fact which goes back to the days of Sir Thomas Playford. Every Premier from Sir Thomas Playford onwards has been

tackled and asked to remove the provision, and every Premier, with the exception of the Premier of today, has rejected that request on behalf of the consumers of South Australia. So for the first time in over 20 years the credit providers were at last able to find a Premier who said, 'Yes, I will do what you want.'

It is true that in other States the charge is passed on. That is the argument, of course, put by the credit providers, but all that says is that South Australia has an advantage, an advantage maintained from Playford on, through different Administrations and Liberal and Labor Premiers, until at last they got to the one who was prepared to say 'Yes' to them. No doubt they were delighted by the response they got. They were approached, and a qualification was put on this. There was concern apparently about the effect of repealing sections 31 *(1)* and 31 *(p)* of the South Australian Stamp Duties Act. The finance institutions were contacted by the Government to ask them what they thought the impact would be. They told the Treasury, I understand (I have not sighted the correspondence, but if it exists in actual writing form it ought to be tabled in this place, and I assume the Deputy Premier is going to do so, that, in those instances in which stamp duty has been passed on to the consumer by way of an increased interest rate, a reduction of interest rate will take place. That means, of course, that the consumer is paying the same as he always has paid, despite the repeal of the section.

However, in many cases national rates are applied. In the case of Bankcard, for instance, and in the case of many of the finance companies, rates are not adjusted State by State. There is one national rate applying across the board, and in those instances I understand that the Government was advised that duty would be directly passed on; that is, all those credit receivers would be forced to pay the extra cost, a total contradiction of what the Premier has said. So that advantage to South Australian consumers, particularly Bankcard holders, would be done away with. That was the advice of the finance conference, I understand, and I understand that that may have been in writing. But, of course, the Bankcard organisation, a major credit provider, was not even involved in this at all. Rather than having an assurance that duty would not be passed on, the Premier was told in writing that it would be for a large number of people. He had no assurance from Bankcard. Look at what the Chief Executive, Mr Pitman, says in this morning's *Advertiser:*

> We cannot follow it. The Bankcard organisation as such has given no assurances to the South Australian Government.

Because of the security which surrounds the company running Bankcard, only three people are entitled to make statements on behalf of Bankcard, and one of those is Mr Pitman himself. Last October, as I explained to the House in my question yesterday, when this matter was being debated we warned that consumers in this State would be disadvantaged. *Hansard* shows my statement at that time, as follows:

> The . . . Government has obtained assurances from credit providers that consumers will not be disadvantaged . . . I would like more evidence of those assurances, more particularly, I would like to ask whether the Premier can demonstrate that consumers will not be disadvantaged by the repeal of the provisions.

At that time the Premier was rather confused. For example, in October he said that the assurances were simply verbal. On television last night he said that they were also in writing. When I asked him to provide us with evidence he said that it was a hypothetical question and he could see little point in taking it further. It is not hypothetical when thousands of South Australians are now being told by their banks that they are going to be hit with yet another charge, a charge from which they were protected until this Government changed the legislation and did away with that advantage. The Premier's greatest confusion can be seen when he dealt with whether or not the charges would be passed on. He insisted that he had assurances that they would not be. He said:

> It may be that that cost will in a small way be transmitted to the consumer if these provisions are repealed. I see no reason why that should not occur. I cannot in any way accept the Leader's opposition to the matter.

He has now been quoted in the press as saying that he is surprised that these charges were passed on, and he is going to clear up this misunderstanding. What was he saying in October in the *Hansard* record? How is it, in the light of what he was saying then, that he could see no reason why that should not occur? Now he is surprised. He is obviously totally confused about the impact of the legislation hastily introduced. Can anyone seriously believe that the Government would make amendments to the Act allowing finance companies and credit providers to pass on a charge and make those amendments after receiving representations and not expecting them to be passed on?

The matter has to be resolved. Some South Australians are already being charged. All correspondence should be tabled immediately. It is disgraceful that the Premier of this State should be engaged in a public quarrel with the national banking executive over who is telling the truth. So let us hear the truth. The twisting of the facts in an attempt to squirm out of embarrassment is becoming an all too familiar part of this Government's style on the economy, State charges, electricity charges, its responsibility for interest rate rises and a whole range of issues. We have been treated with contempt. Let us have the truth, let us clear up the Premier's confusion and ask why this provision was removed and what the Government is going to do about it.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I think that this urgency motion is indicative of the strength of the Opposition in this current sitting. We have had about the weakest series of Question Time that I can recall. It appears as though the Opposition's attitude is, 'We'll try something else today,' but unfortunately this has no more substance than the questions it has been asking of the Government in the past two weeks. It is not the Government that is seeking to mislead the public: it is the Opposition again which is treading a well-trodden path.

Lord help this State if the priorities which the Leader of the Opposition sets for himself as a would-be Premier were ever to be fulfilled. He is seriously suggesting that the Premier, having arranged a series of meetings with people like the Minister for National Development, the National Treasurer and the Prime Minister, whom I believe he is meeting at this moment, should, at short notice and at the whim the Opposition, because it is trying to beat up a degree of controversy which will be settled in a day or so, cancel that trip. Is the Leader seriously suggesting that the Premier should cancel his trip to Canberra to answer the flimsy argument which he has mounted today? Again, Lord help the State if they are the priorities which the would-be aspirant to the Premier's office would set, if he were ever to achieve that role. It is patently absurd for the Leader to suggest that the Premier should not have left. In fact, a pair was arranged with the Opposition over a week ago for the Premier to be absent today. The Opposition, I understand, cheerfully granted the pair so that the Premier could pursue important matters in Canberra, including meeting the Prime Minister at this very moment. The Leader is now suggesting, seriously I take it, that the Premier should have cancelled that trip.

The Hon. D. C. Brown: He suggested that the Premier deliberately left the State because he knew—

The Hon. E. R. GOLDSWORTHY: I know. He is thinking back to the days of the up, up and away, when a notable Premier flew out of the State on the eve of a serious moratorium sit-down in the middle of North Terrace. Perhaps he has his wires crossed. I think he is tuned in to the wrong Premier. That is an absurd allegation and suggestion. If anything, I believe that this motion (and the Leader knows perfectly well that the Government will consider the matter within the next few days), is cowardly. It is cowardly for the Leader to get up and attack the Premier in his absence, when the Leader knows that the Premier is absent on legitimate and high priority Government business—matters that concern billions of dollars of investment to the State. The Leader knows that the Premier is in full possession of the facts and is not here to defend himself. In my judgment, this is plainly cowardly.

The Hon. J. D. Wright: You are the Acting Premier. You should deal with it.

The Hon. E. R. GOLDSWORTHY: And I will cheerfully deal with it. To attack the Premier in his absence, when he is away on legitimate business, and when this motion could well have waited until the Premier was here, is, in my view, cowardly. To use words like 'mysteriously disappeared', when the Opposition knew that the Premier had been given a pair a week ago, is plainly absurd. The Leader even went so far as to say that we are misleading the public in relation to a whole range of financial matters, and he even ended up talking about ETSA tariffs. Obviously, he had his ear plug in yesterday when I pointed out to the House that it was the Opposition that was being completely misleading in the statements that it had been making. The Leader and his deputy, in regard to ETSA tariffs, suggested, on the basis of false calculations, that the Government was raising ETSA tariffs to increase State revenues. Nothing could be further from the truth and members opposite know it. If anyone has a mounting credibility problem in this State, it is the Opposition under the Leader—it is not the Government. This resolution does nothing but add to the Opposition's credibility problem. It does not damage the Government.

The Government proceeded with the amendments on the basis of discussions that had been held over a period with credit providers. The Government's view was that the effect on the public would be such that the charges would not be passed on to the public, and the Premier said as much in the second reading explanation when he introduced the Bill. Let me put the Leader of the Opposition correct on another detail, because obviously he does not know who the credit providers are. Bankcard is not the credit provider: the banks are the credit providers.

The Premier held discussions with the credit providers—the credit unions and the banks. Bankcard is simply a computer organisation that does a job for the banks. The letters were sent out by the banks. Although there has been all this agreement about bankcard, bankcard does not provide the credit: it provides the mechanics.

Mr Bannon interjecting:

The Hon. E. R. GOLDSWORTHY: That is a statement of fact. When the Leader spoke about talking to bankcard, he is talking to a computer organisation that goes through the mechanics of doing what the banks ask it to do. It is the banks that provide the credit and that decide what rates of interest will be and where charges will lie. Obviously, when the Leader talks about bankcard, he does not even understand the fundamental principle on which the credit is provided.

As a result of that, because of this misunderstanding, I have arranged to see the State President of the A.B.A. and his deputy this afternoon, and we will have discussions in relation to what has happened in regard to these charges. When the Premier returns in due course (which will be at the weekend), further discussions will be held, at which the Premier will be present, with the A.B.A and with a representative of bankcard.

The Hon. D. C. Brown: The notice that went out was even under the name of the bank.

The Hon. E. R. GOLDSWORTHY: Of course the bank sent the notices out. The banks provide the credit. The Leader of the Opposition does not even know that. The fact is that these meetings will be held. It was the clear understanding of the Government, and clear undertakings were given by credit providers which led the Government to introduced that legislation. The Leader's memory is indeed short. He went back to the days of Playford. We have had no problem with this legislation, except with what has cropped up at the moment in relation to Bankcard. The Leader went back to Playford times, but we did not even have Bankcard until recent times. Does not the Leader know that Bankcard is a recent innovation?

Members interjecting:

The Hon. E. R. GOLDSWORTHY: The Leader cited Playford. Bankcard did not exist when Playford was the Premier, so his comments are entirely inappropriate and, in fact, absurd. The Opposition seeks to castigate the Government for hiding the charges that we seek to levy upon the public. Let there be no mistake in the public mind as to who is going to levy charges on them in this State if they come to power. Let the public examine the recent findings of the conference of the A.L.P., where the A.L.P. made—

Members interjecting:

The Hon. E. R. GOLDSWORTHY: Opposition members laugh because the truth hurts. The fact is that the Opposition makes no secret of the fact that it intends to introduce a whole range of concessions to workers, including a 35-hour week, increased leave and increased conditions in relation to long service leave. The Opposition intends to increase the services of Government to the public, and makes it plain in its statement that it will increase taxes and charges to enable it to do so.

The Leader is busy in conversation at the moment; he does not want to hear this bit. Opposition members laugh and they suddenly go quiet. The fact is that it is there in black and white, and, if anyone is seeking to deceive the public in relation to who will be the heavy taxing Government in this State, let us get the record straight. It is in black and white: the Labor Party will do it.

We have seen recently misleading statements that the Opposition has made in relation to ETSA tariffs, where it is falsely suggesting to the public that in Government they would contain these rises. Again, that is completely absurd. I keep using the word 'absurd', because it is the only word I can think of that is strong enough to describe the attitude of the Opposition in these matters. Opposition members are completely hypocritical.

An honourable member: He's got a limited vocabulary.

The Hon. E. R. GOLDSWORTHY: What has this Government done? Perhaps one or two members have got a limited intellect, which is perhaps even more damaging to their performance. The fact is that this Government has actively set about reducing charges to the public, and we will seek to come to terms with this situation as it has presented itself this week. This Government has taken extraordinary measures to reduce charges to the public. We know perfectly well that, if the Labor Party was in Government, it would be pursuing precisely the opposite path: it would be increasing charges dramatically.

It ill-behoves the Opposition to get up here and castigate the Government in relation to this matter and to suggest that under a Labor Government charges and imposts on the public would be diminished. We know that they would

be increased dramatically, and they say so as a result of their recent deliberations. Even blind Freddie could see that the things that the Opposition has promised the public, such as increased public services and increased benefits to workers throughout the State, can only result in increased charges to the public.

The Government regrets that this letter has gone out. We regret the circumstances. It runs counter to our understanding when the amendments were introduced, and the Government will be taking action to see that the situation is remedied. The Premier made that perfectly clear in his statement. If the Opposition chooses to disbelieve it, that is its problem. The plain facts are that I have arranged a meeting with the South Australian A.B.A. officials this afternoon. We will have some discussions, and the Premier will conclude those discussions on Monday. If the Opposition could have contained its impatience, it would have been able to talk to the Premier directly in this House on Tuesday, instead of mounting this cowardly attack and suggesting that he sneaked out of the State, when he is away on matters of great importance to the State, which I thought the Opposition would have applauded. So much for this resolution, which I completely reject. It is without substance and is another clear indication of the Opposition's attempts to mislead the public of South Australia.

The Hon. J. D. CORCORAN (Hartley): Let me say from the outset that I am disappointed with the Deputy Premier. I do not say that lightly. I think it is possible in this House to address oneself to a debate and put one's points clearly without digressing and without drawing in all sorts of red herrings to cloud the issue. The Deputy Premier began by saying that he believed that the Leader of the Opposition had launched a cowardly attack by moving this motion on the Premier.

The Leader of the Opposition knew full well that the Premier was in Canberra and that he had important business to discuss there. The Leader recognised the importance of the urgency of rectifying this matter, and he has taken the first possible opportunity available to him to do that. I think that is perfectly proper. If the Leader had failed in doing that, he could have been properly criticised. It would not be the first time in this House that an urgency motion, indeed, a no-confidence motion in the Government, has been launched by the Opposition when the Premier has been absent. Indeed, the Deputy Premier has taken part in those debates. The matter, of course, was not seen in the same light as he has seen it today, because when things are different, naturally they are not the same! The Deputy Premier would know as well as I that it has happened on occasions.

The real motive for moving this urgency motion today is to bring home to the Government the importance to the people in this State, every bankcard holder, every credit card holder, the fact that this matter must be rectified quickly. For the life of me, I cannot see why the Premier, before he departed for Canberra, in the light of what he said yesterday about his understanding of the undertakings that had been given, could not have said outright, 'They have been broken. I will reintroduce the legislation tomorrow, or next week,' and made a specific and direct commitment to do that. As we all know, that would put the situation back to where it was when the legislation was introduced in 1968, and there would have been no need for this urgency motion today. That is the first point that I want to make: it would have been as simple as that. In my view the Premier erred in his judgment, because this is a matter of urgency to every person operating a bankcard or a credit card in this State.

The Deputy Premier has already said that the matter has been looked at. The Opposition accepts that. That is information we have gleaned, namely, that steps will be taken directly to rectify the matter. The Government must either gain renewed assurances from institutions to which it spoke previously (although, from what has happened in the past couple of days, it appears that those assurances would not be worth very much) or alternatively, it should take the positive step of introducing legislation. Of course, the Deputy Premier is not in a position to say exactly what will be done. However, I sincerely hope that we get back to the situation that existed in October 1981, when this Act was changed. For the life of me, I cannot understand why this legislation needed to be touched at all.

South Australia, as the Leader of the Opposition pointed out, was in fact receiving an advantage as a result of this legislation. It would have been all right if the undertakings had been honoured, but I suppose that in the case of banks, as with Governments, directors and management change, and one can never be certain whether undertakings given in the past will hold in the future. But, while the legislation is on the Statute Book, there is no worry about it: it is there and they cannot avoid it. People may argue about whether they pick up the charges in interest or in some other way, but I understand that there was a clear advantage in South Australia, particularly to those credit card or Bankcard holders who met their commitments on time. They are the people who will suffer in the future if this legislation is not re-enacted.

The other matter that is extremely important to the Premier personally and to the Government is the credibility of the Premier himself in relation to the undertakings that were allegedly given by the institutions that he contacted at the time that he introduced these amendments in the House. When they were introduced, in his second reading explanation the Premier said:

> Thirdly, the Bill provides for the repeal of sections 31 *(l)* and 31 *(p)* of the Act which are designed to prevent the duty payable on credit or rental business or instalment purchase agreements being passed on to the consumer. Similar provisions do not exist in the corresponding legislation of the other States.

That was the argument at the time: it does not exist in other States, and therefore we do not need it here. I have heard plenty of members opposite argue that we need not necessarily have something in South Australia because it is not done in the other States. They have argued very strongly along those lines, and that was the main argument used on this occasion. The Premier also said:

> The provisions achieve little in practice as it is understood that most lenders in this State cover the duty component of their overheads by adjusting rates of interest. The Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of these provisions.

He said that clearly and definitely. During the course of the debate, the Leader of the Opposition expressed his opposition to these clauses. He said that he doubted whether those assurances were sufficient or whether they justified the move by the Premier to repeal those provisions. The Leader said at the time:

> The third point mentioned in the second reading explanation refers to the repeal of sections 31 *(l)* and 31 *(p)* of the Act, designed to prevent the duty payable on credit or rental business or instalment purchase agreements being passed on to the consumer. I am not satisfied, from what is said in the second reading explanation, that it is necessary to repeal both sections. They represent, on the face of the Act, a protection to the consumer.

He went on to say:

> I would like more evidence of those assurances.

Those assurances were not forthcoming from the Premier, and indeed a great doubt was left in the mind of the Leader of the Opposition—and justifiably so, because his judgment has been vindicated. Apparently the assurances given, if

they were given, have been disregarded by the people who gave them. The credibility of the Premier is at stake here. I would have liked him today to make available to his Deputy or by some other means to the Leader of the Opposition as quickly as possible—and it would have been in his interest to do so—any written assurances that he had, and certainly the text of any verbal assurances he had and from whom he had them, but no attempt has been made to do that.

I think that the Premier was remiss in going to Canberra without having these important matters, as far as he is concerned, attended to. I believe that the Opposition is absolutely justified in raising the queries it has raised. Were the assurances given? If so, by whom and in what form? I come back to my original point. If those assurances were given and if they have been broken, there is no doubt that the Premier would be fully justified in saying, 'They have been broken, the assurances have been dishonoured, and I will reintroduce the legislation immediately to put it back on the same basis as it was at the time I gained the assurances.'

That would have been a perfectly legitimate and sensible thing to say, but indeed he equivocated. He said that he thought he had verbal assurances; he thought he might even have them in writing. We want to know that he did have those, and that what he conveyed to Parliament at that time was in fact correct. We have no reason, I suppose, to have grave doubts about it, but it would be very satisfying for Parliament to see those assurances. I hope that the Premier will clear his name by presenting those assurances, whether they be verbal or whatever form they took, so that he can clearly demonstrate to members that he did not mislead the House in October 1981 when he presented these repealing provisions to the House.

I think that the move by the Opposition this afternoon has demonstrated our concern that the situation be rectified and restored to what it was originally. That is our belief and our intention in moving the motion, and it is indeed pleasing to hear from the Deputy Premier that steps have already been taken to meet with the A.B.A. and that he hopes that the situation will be rectified within the next week, because time is absolutely of the essence to this matter. I hope it will be resolved, and I am disappointed that the Deputy Premier has chosen to call the Leader of the Opposition's move cowardly, because I do not think it is at all. I think it is perfectly proper, and I am just a little sorry that he deviates the way he does and tries to condemn the policies of the Labor Party in order to fit his own argument, because it is quite unnecessary.

Let us get some sense into this and deal with the problem before us. If it is going to be resolved, well and good. I hope that I see the Premier take the positive step of rectifying it by reintroducing in this House next week the repeal provisions of the Act. I am sure that they will gain the full support of the Opposition.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I think it is appropriate at the outset to put the entire issue, particularly the points raised by the Opposition today, clearly in their true perspective. Let us take the four key points it has raised today and look at them in some detail. The first was the absence of the Premier; that was the opening point of the Leader of the Opposition. The second was whether or not there should have been consultations with the Bankcard manager, as a provider of credit, as the Opposition would claim (in fact, there is a very serious doubt whether Bankcard is a provider of credit); thirdly, whether or not the problem will be resolved; and fourthly, I suppose the point that the member for Hartley tried to raise in a desperate attempt to prop up what the Leader of the Opposition had failed to do: whether or not the credibility of the Premier was at stake. I take those four points and answer them in some detail.

The first is the absence of the Premier. We all know that for some weeks the Leader of the Opposition has been trying to achieve publicity on getting the Premier to go to Canberra to take up certain issues. He has constantly said that he supports the Premier in his stand on issues such as interest rates. I think in fact the last report was in the paper this morning. Yet, when the Premier goes off for that vital meeting with the Prime Minister and the Treasurer today, who should be the first to stand up and criticise him but the Leader of the Opposition. It was even revealed in the House this afternoon that it was the Opposition that signed the letter granting the Premier a pair over a week ago. Yet it was the Leader of the Opposition who had the gall earlier this afternoon to suggest that the Premier had prematurely left for Canberra because this crisis had arisen. That is incredible. The Opposition itself signed the letter for the pair a week ago, it knew that the Premier was leaving this morning, and then members opposite accuse him of leaving prematurely on this trip.

Mr Hamilton: Big deal!

The Hon. D. C. BROWN: It is, because it really starts to put over the Leader of the Opposition a question mark on his credibility—not over the Government, as is being suggested by the Opposition today. The second point is the whole status of the organisation called Bankcard in relation to this issue. I think it would pay the Opposition to look at the facts on this, which it obviously has not bothered to do. Bankcard is a computer organisation whose customers are the banks. The people who suppy the credit are the banks—and I am surprised that perhaps the member for Hartley, having been a former Treasurer of the State, did not reveal this afternoon—which banks pay stamp duty to the State Treasurer every month; it is not Bankcard.

Therefore, if the Government were going to discuss with the credit providers whether or not these charges would be passed on to the consumers, it certainly would not talk to Bankcard, because Bankcard is not a credit provider. I would suggest that the Manager of Credit Card in Sydney has somewhat embarrassed himself by suggesting that he is a credit provider, when it is the banks that pay the stamp duty. It can be seen from the range of notices sent out by Bankcard that it was the individual banks that signed these notices. Certainly, the letter was exactly the same, but it was signed by the individual banks involved.

The Hon. J. D. Corcoran: Have they gone back on their assurances?

The Hon. D. C. BROWN: I will come to that in the next point. I stress that there was no need, no justification for Treasury officers to be talking to Bankcard, because Bankcard is not a provider of credit. I come now to the third point concerning a matter that the Opposition has put entirely out of context this afternoon. The Leader of the Opposition did such an apalling job, especially in his opening attack on the Premier for being absent, that one could see the embarrassment of the member for Hartley, a former Premier and Treasurer, when he brought up this issue. It needed someone with the maturity and diplomacy of the member for Hartley to bring the debate back to the key issue involved; after all it was the honourable member who touched on the key issue of what is going to happen about this. That is the crux of the whole debate, and the Leader of the Opposition ignored that. I appreciate, therefore, that the Opposition will be embarrassed when unfortunately the member for Hartley resigns from this Parliament. The key issue raised by the former Premier, the member for Hartley, is what is now going to occur? I quote to the member for Hartley exactly what undertakings have already been given

by the Premier. They were given yesterday and the Premier was quoted in the *Advertiser* this morning, as follows:

If they don't remove the charge the law will be changed forthwith.

That is a black and white statement. He continued:

I will be very disappointed if they don't act in a responsible fashion.

Of course, what Premier would not ask the organisations involved to come in here and have talks to try to resolve the situation on the basis of conciliation first? But, having given that undertaking that there should be talks, he has given a further assurance that the matter will be corrected. That is in black and white in the *Advertiser*. The Premier then went on—

Mr Bannon: Can you explain what the assurances are?

The Hon. D. C. BROWN: They are there and I am simply reading out the assurances given by the Premier yesterday. The *Advertiser* continues:

Mr Tonkin said he still hoped the credit charge had been imposed as a result of a misunderstanding.

Perhaps, in the light of the fact that we see that Bankcard is not a provider of credit, and is not involved in the talks because it is not a provider of credit, that has caused some misunderstanding to develop. Obviously it is important now that the banks have discussions with the Government. These discussions will start this afternoon with the Deputy Premier of this State, and they will continue, I understand, on Monday when the Premier is back in the State.

The final point I wish to raise is the question of credibility. We should be looking at whose credibility is at stake. In the motion the Opposition has tried to suggest that the Premier tried to hide the fact that some of these costs would be passed on to the consumer. Just the opposite: the issue was raised in debate in Parliament and certain assurances were given, and certainly there has been no attempt by the Government, as suggested by the Leader of the Opposition's motion, that the Government is trying to hide anything. As I have said, the Government is aware of the potential problems. The Government talked of them in this House and gave certain assurances. I find it incredible that now, having gone through all that, knowing that it was raised in this House, the Leader of the Opposition should suggest that the Government was trying to mislead the people by saying it was unaware that there were problems in this area, as this motion suggests. It is really the credibility of the Leader of the Opposition which is on the line, and not that of the Premier.

I raise another issue: who went out and suggested that South Australians would be paying an extra $7 000 000 a year through the Bankcard organisation? It was the Leader of the Opposition. If he had bothered to check the facts (unfortunately he never does), he would have found that the figure was not $7 000 000, as he suggested, but more like $1 000 000 a year; that is the sum paid each year in stamp duties on the credit charges provided by the banks, but provided in documentary form through Bankcard. It has been the Leader of the Opposition who has gone out in a state of hysteria and tried to whip up concern and fear among the people of this State. He has tried to suggest that they have been paying $7 000 000 a year extra as a result, and yet the total stamp duty collected under that credit provision through the banks on Bankcard transactions is only about $1 000 000 a year. If anyone's credibility is on the line in this issue, it is the credibility of the Leader of the Opposition.

He has been found wanting again, in jumping over the cliff, trying to whip up political concern, trying to make a name for himself, trying to make political capital, and in so doing he has brought the mud down on himself. The Premier has given assurances. The only valid point raised by the member for Hartley has already been answered; it was answered yesterday. I find it hollow and shallow of the Opposition that it should move an urgency motion on an issue on which the Premier had already given assurances before he left this State. I think the motion is hollow, shallow, political and lacking in any substance whatsoever.

The Hon. J. D. WRIGHT (Adelaide): I want to support the motion, and I do so for several reasons. First of all, I think that the smokescreen attempted by both the Deputy Premier and the Minister of Industrial Affairs in not answering the allegations contained in the motion is disgraceful. A complete smokescreen has been thrown across the motion without any attempt being made to answer it. I believe that some questions do need an answer. Let us establish clearly who is responsible for the provisions of the Act now imposing stamp duty on people. A letter sent by the Bank of New South Wales to Bankcard holders states:

Dear Card Holder,

Following a recent amendment to the South Australian Stamp Duties Act notice is hereby given that your Bankcard account will be charged with any applicable Government charges paid or payable in relation to the use of cards issued and/or to credit provided on your account.

The bank itself makes clear who is responsbile for the amendments to the Act and who will receive the money. The money is going to the Government. Do not let us kid ourselves about who is or who is not responsible in this matter.

There is every reason for the people of South Australia, not only the Opposition, to believe that the Government is selling out the consumers of this State. The consumers have always had a protection, right from the time of Premier Playford: now that protection has been taken away in one fell swoop. One of three things must have happened in these circumstances. First, the Premier obviously did not understand what he was doing, and reference was made to that in the Committee debate by the Leader of the Opposition, who pointed out clearly the possible effect of this legislation. Secondly, the Premier did know what he was doing and did not care about it. Thirdly, there is a possibility that the Premier has deliberately misled the Parliament and, as a consequence, the State.

I remind the House of exactly what the Premier said in reply to a question asked by the Leader of the Opposition when this matter was considered in the Committee stage of the Bill in question. It was drawn to the Premier's attention, quite clearly and concisely, what the effect might be, and the Premier said:

It may be that the cost will, in a small way, be transmitted to the consumer if these provisions are repealed.

The Premier was talking about the Bill in his attempt to repeal the protections that previously existed for consumers. He added:

I can see no reason why that should not occur.

On that occasion, the Premier was admitting that a small cost could go to the consumer. He further stated:

I cannot in any way accept the Leader's opposition to this matter.

How can the Premier have it both ways? How can he say that and also make the statement that was contained in his Ministerial statement yesterday that he had had assurances that this would not occur? The Premier said that he did not care if it occurred, but last night on television he made the point that he has it in writing. Clearly, the Premier does not know what he is talking about. He did not understand that legislation, or he has deliberately set out to mislead the people of South Australia. There is no other option: that is the only conclusion I can draw.

I would have thought that the Deputy Premier, assuming the responsibility of the Premiership of this State for the

next two or three days while the Premier is away, would have all the documents at his disposal in order to prove or support the stand taken by the Premier and his Government. In my view, it is not only the Premier who is at fault in this matter: all those sitting on the Government front benches are involved. Where are the documents? The Minister of Industrial Affairs talked about the banks sending out the documents. I challenge the Deputy Premier to produce those documents, and produce them pretty quickly, because the people of South Australia are up in arms at present. I have received 40 phone calls in my office in two days about this matter from Bankcard holders who want to know where they stand.

The Deputy Premier has done nothing about the matter except to call a meeting this afternoon to ask the people involved whether they will now go back on what they are doing and not make the charges. A definite statement should be made, and it should have been made in this House today by the Deputy Premier, to establish clearly what the Government will do and to admit its mistake. I am not convinced that it was a mistake, but I will concede that it may have been a mistake and that the Premier may even have allowed himself to be misled, but I would want some assurances of that. I want from the Premier or the Deputy Premier written documents, which ought to be tabled in this House, to show that the Premier had received the assurances that he gave to this House. I am not convinced that he gave the House those assurances. He certainly did on television last night, but if one looks at the Premier's statement in October last year, one can only assume that he was expecting some sort of charge to be placed on credit receivers or Bankcard holders.

I do not believe that that is good enough. I believe that this Government stands completely and clearly condemned on this issue. As I said earlier, and I repeat, it is not the fault of the Premier only: every Minister who is sitting on the front bench is as responsible as the Premier, because they should look at every piece of legislation that comes into this House. They share the responsibility with the Premier in this regard. I challenge the Government or any of its members to immediately produce the documents that will support the guarantee that was given by the Premier last night that, in fact, it was he who had those documents and who said he had received guarantees that these charges would not be imposed.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE BILL

The Hon. JENNIFER ADAMSON (Minister of Health) obtained leave and introduced a Bill for an Act to redefine the powers, functions, duties, and responsibilities of the Institute of Medical and Veterinary Science; to repeal the Institute of Medical and Veterinary Science Act, 1937-1978; and for other related purposes. Read a first time.

The Hon. JENNIFER ADAMSON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

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

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

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

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

At the same time, advances in technology led to the automation of many laboratory procedures and the perfection of others, thus creating a demand for the introduction of more and more complex and expensive equipment to meet the new standards. The institute developed into and built up an enviable reputation as the major State provider of medical and veterinary pathology services. Through periods of rapid expansion and technological development, the institute has kept the quality and range of services at the highest levels. Recognition for this achievement must be given to its former Director, Dr J. A. Bonnin, who could fairly be said to be the architect of the institute's pre-eminence in this whole field.

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

management with managerial responsibility to run the organisation within commission-approved budgets, works programmes and staffing plans and in accordance with their constitution and commission policy.

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

Soon after assuming office, the Government recognised the need for a review of pathology services in the State, and established a committee of inquiry under the Chairmanship of Professor Sir Geoffrey Badger to conduct such a review. The committee's report covered the whole range of pathology services in South Australia, and set the Institute of Medical and Veterinary Science within the context of other pathology providers in the State.

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

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

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

The Government endorsed the general tenor of the committee's recommendations and announced its intention to rewrite the I.M.V.S. Act, and to establish an implementation team to overview progress in introducing the committee's recommendations. The implementation team has been actively engaged in pursuing the recommendations and has already made considerable progress with the full co-operation of the council and director of the institute.

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

The Bill being introduced today has been framed taking into account both the Badger and Wells committees recommendations and subsequent deliberations on the most appropriate form of legislation to enable the institute to meet the demands it faces. The principal recommendations of the Wells committee were that the institute should be incorporated under the South Australian Health Commission Act by specific legislative amendments and that it should continue as a joint medical and veterinary organisation.

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

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

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

Taking all factors into account, the Government decided that the veterinary division of the I.M.V.S. should become the responsibility of the Minister of Agriculture and the Department of Agriculture, but should remain physically located with the I.M.V.S., thus allowing the professional and practical relationship with human pathology to remain unchanged. To do otherwise would have involved cumbersome and probably unworkable dual Ministerial involvement which would have had the potential to compound rather than remedy the managerial problems identified in the Wells Report.

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

The Minister of Agriculture will determine policy on the provision of veterinary laboratory services and the conduct of associated research, and will have responsibility for management functions including budgeting and staffing. Funds for the operation of the Veterinary Sciences Division will in future be appropriated to the Minister of Agriculture, instead of the Minister of Health, and arrangements will be made for a recharge of services between the Department of Agriculture and the I.M.V.S.

The I.M.V.S. will provide physical and administrative facilities to assist the Minister of Agriculture in carrying out veterinary responsibilities, under terms and conditions agreed between the Minister of Agriculture and Minister of Health, and the legislation provides for this.

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

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

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

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

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

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

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

Turning to the other provisions of the Bill, members will note that the legislation deals with the institute as an integral part of the health system. The institute is constituted as a body corporate, administered by a 10 member council, the composition of which is in line with the recommendations of the Wells committee. An officer of the Health Commission will be a member of council, in view of the proposed role of the S.A.H.C. in relation to the institute. In recognition of the special relationship which the institute has, and will continue to have, with the Royal Adelaide Hospital and the University of Adelaide, both organisations will continue to nominate two members each. An important addition to council will be two persons with experience in financial management nominated by the Minister of Health—this is in line with the Government's commitment to improved financial and administrative control of the institute.

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

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

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

consistent with the Health Commission's reponsibilities in the public health area.

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

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

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

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

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

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

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

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

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

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

Clause 5 vests all the rights and liabilities of the council under the repealed Act in the institute under this Act. All officers and employees of the institute under the repealed Act are transferred over to the institute under this Act, except for those officers and employees presently in the veterinary division and the forensic pathology and forensic biology divisions of the institute. Those officers and employees are to be transferred upon the commencement of the Act to the Department of Agriculture in the case of persons in the veterinary area, and the Department of Services and Supply in the case of persons in the forensic pathology and forensic biology areas. It is made clear that this transfer will not affect the salaries, wages or accrued leave rights of such persons.

Clause 6 continues the institute in existence and vests it with corporate status with the usual powers. Clause 7 provides for the appointment a of new council comprised of 10 members, nine being appointed by the Governor and one being the Director of the institute. Members are appointed for terms of not more than four years, but are eligible for reappointment.

Clause 8 provides for the appointment of a Chairman and a Deputy Chairman. Clause 9 provides for the appointment of a deputy to any member of the council. Clause 10 sets out the usual provision for the removal of members of the council from office, and for the filling of vacancies.

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

Clause 14 sets out the functions and powers of the institute. The institute will provide a medical pathology service for

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

Clause 15 places the institute under the control and direction of the Minister (that is, the Minister of Health). The Minister is required to consult with the Health Commission before exercising his powers of direction and control. The institute is required to furnish information to the Minister or the Health Commission if requested to do so.

Clause 16 provides for the appointment of a Director of the institute. The present Director will become the first Director under the new Act. Appointments to, and dismissals from, the office of Director cannot be made by the council without the approval of the Minister, who is required to consult with the Health Commission in the matter.

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

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

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

Clause 24 gives the institute power to borrow, and to invest, subject to the usual Treasury constraints. Clause 25 empowers the council to make rules for various 'internal' matters. These rules must be approved by the Health Commission and then confirmed by the Governor, before being laid before Parliament. Clause 26 provides a similar power to make by-laws for the purpose of regulating conduct in the grounds and premises of the institute. Traffic and parking offences may be expiated.

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

Clause 28 gives certain employee organisations the right to make submissions to the Health Commission and the institute over any matter arising out of the administration of this Act. Clause 29 deems the Director to be the Permanent Head, for the purposes of the Public Service Act, of those officers of the institute who are public servants.

Clause 30 makes it an offence for an officer or employee of the institute to divulge personal information relating to any patient, unless he is authorised or obliged to do so by his employer or by law. Clause 31 provides for an annual report to be submitted by the council. This report will be laid before Parliament. Clause 32 provides that offences under the Act are to be dealt with in a summary matter. Clause 33 gives a general regulation-making power.

Mr HEMMINGS secured the adjournment of the debate.

CORRECTIONAL SERVICES BILL

In Committee.

(Continued from 17 February. Page 2952.)

Clause 33—'Prisoners' mail.'

Amendment carried.

Mr KENEALLY: I move:

Page 13, after line 43—Insert new subclause as follows:

(7a) Where the authorised officer is satisfied on reasonable grounds that a letter sent to a prisoner is from the Ombudsman, a member of Parliament, a visiting tribunal or legal practitioner, he shall not open that letter.

This amendment is consistent with the Bill. As it stands, the Bill would insist that any letter which leaves the prison and which is directed to the Ombudsman, a member of Parliament, visiting tribunal or legal practitioner at his business address should not be opened by the authorised officer. My amendment seeks to provide that any letter that goes into the prison from the Ombudsman, a member of Parliament, a visiting tribunal or a legal practitioner would similarly be free from the censorship of the authorised officer.

I understand that there are some problems for the authorising officer in his being absolutely certain that these letters are from the people who are named in the clause. However, there are simple mechanisms that would overcome this problem. For instance, it could be a requirement of people who write to a prisoner that they address the letter to the Superintendent, enclosing therein another letter for the individual prisoner. In this way, the Superintendent would quite clearly know that it came from the Ombudsman, a member of Parliament, visiting tribunal, etc. I believe that this clause is loose in this respect.

I know that currently, when the Ombudsman writes to prisoners, he sends that letter enclosed in another letter addressed to the Superintendent, and that letter goes to the prisoner unopened. I know that members of Parliament enclose a letter to a prisoner in an envelope addressed to the Superintendent so that the Superintendent knows the authorship of that letter and then passes that letter on to a prisoner unopened.

I know that the system works now, but I am seeking to ensure that the censorship laws that apply to letters leaving the prison and addressed to a member of Parliament, visiting tribunal, or a legal practitioner are similarly applied to letters going into the prison. I have discussed this matter with the Ombudsman, who has no fear at all that his letters that the Superintendent recognises are opened. Members of Parliament equally have no fear of it, except that it ought to be written into legislation. I am rather hopeful that the Chief Secretary understands what I am speaking

about and the importance of this amendment. For the sake of brevity I will give the Minister an opportunity to say whether or not he accepts it.

The Hon. W. A. RODDA: The Government does not have any problems with this, and I can agree to its insertion.

Amendment carried.

Mr KENEALLY: I move:

Page 15, lines 26 to 28—Leave out paragraphs (iii) and (iv) and insert paragraphs as follows:

(iii) credit it to the prisoner;

or

(iv) forward it to the intended recipient.

I think it is quite obvious that we are here intending to protect the ownership of a letter or parcel that has quite legitimately been stopped by the authorities for one reason or another. Nevertheless, the Opposition believes that by crediting it to the prisoner or forwarding it to the intended recipient are options that should be available to the Superintendent. At present he is denied those options.

The Hon. W. A. RODDA: The honourable member is talking about money that could be moving around or coming in by unidentified means. That is why the Bill is drafted in this manner. It is subject to investigation but, if its identity is hard to come by, it is paid into the general revenue of the State or is disbursed in such a manner as the Minister may direct. It could be a $5 bill that is going out to someone's children. I think subparagraph (iv) of paragraph *(c)* covers that. It covers that situation where there is in the mail this movement of funds which it is hard to identify. I am not so generous in moving it, but I can accept the Opposition's amendment.

Mr KENEALLY: To enlarge on what I was saying, the Opposition has no objections to subparagraphs (i) and (ii) remaining. We would give the Superintendent other options as to what he is able to do with the money that is being forwarded either through the system either to or from a prisoner. Because the Superintendent can disburse it in such a manner as the Minister may direct, that may cover the concern that I have. But, more particularly, I see no reason at all why the Superintendent should, in the case of money that contravenes the regulations, pay it into general revenue of the State. That seems to me to be a rather petty way of paying money into general revenue. If there is no way at all in which the Superintendent can identify the source of the money, there would be an argument for paying it into the revenue of the State. However, I think it ought to be clearly spelt out in the regulation that, where the Superintendent or the authorising officer cannot identify the source of the money, and therefore that officer has no option to return the money, it could be paid into general revenue of the State. The Opposition would accept that, but it would need another set of words.

If the Minister agrees, the matter could be looked at in another place. As it stands, the Opposition is opposed to subparagraphs (iii) and (iv). We would certainly be prepared to accept an amendment that would clearly state what the responsibilities of the Superintendent were in respect of disbursing moneys.

The Hon. W. A. RODDA: Under the regulations, no prisoner does or should have in his possession money that he could be forwarding out of prison and, if this is so, it is in contravention. Of course, it may well be that it is not possible to identify the source from whence that comes; the money could have come from gambling within the institution. Indeed, these things have happened, and I am sure the honourable member, with the diligence that he has shown to the parameters of correctional services, with all the Bills that have been drawn, is not unaware of contraband of a liquid issue that is in prisons, and so on.

If the Superintendent is faced with a sum of money, and he has nowhere else to put it, he can give it to the Red Cross or to the Prisoners Aid Society. He is not authorised to do that under the present regulations. This is the place where money goes. This does not apply only to prisons; it is a general common rule of State. As the Bill stands, it meets that extreme situation, and this is the sort of place where this situation does arise. Of course, if there are doubts about small matters, there is a discretion so that it can be disbursed in such manner the Minister directs. I think that we are talking about the extreme end of the spectrum.

Amendment negatived.

Mr KENEALLY: I move:

Page 15, line 36—After 'this section' insert ', not being an officer who is employed in a position involving him in substantial day-to-day contact with prisoners'.

It is the strongly held view of the Opposition that this clause should be amended in this way. The reason for this has been expounded in the second reading debate and also in Committee. It was certainly notable in the evidence given by prisoners to the Royal Commission that prisoners were concerned about the fact that people who were in daily contact with them had access to information contained in personal letters. I know that the Minister has indicated previously that the Government intended that this function would be carried out by a special officer, who does not have direct contact with the prisoners. If that is the case, I seek the Minister's support for the amendment.

The Hon. W. A. RODDA: Clause 33 (11) states:

The Superintendent shall advise a prisoner in such manner as he thinks fit of any action taken under this section in respect of any letter or parcel, or anything contained in any letter or parcel, sent to or by the prisoner.

Clause 33 (12) states:

An authorised officer shall not, otherwise than as required by law or in the performance of his duties, disclose to any other person the contents of any letter perused by him pursuant to this section.

Clause 33 (13) states:

In this section 'authorised officer' means an officer of the department appointed by the Minister for the purposes of this section.

The Government proposes that the officer appointed to do this work will be a grade 1, 2 or 3 chief. I have no objection to the honourable member's amendment, which seeks to insert the words 'not being an officer who is employed in a position involving him in substantial day-to-day contact with prisoners'. I have no objection to that, because the people who will be involved will not be in day-to-day contact with the prisoners. Under the Public Service Act, the officers who will be doing this work will be bound to certain provisions. If any action occurs concerning the fears that were expressed in the second reading debate, namely, that prisoners' most intimate affairs might be blabbed around the institution, the Government will not stand for it. I have no objection to the honourable member's amendment.

Amendment carried; clause as amended passed.

Clause 34—'Prisoners' rights to have visitors.'

Mr KENEALLY: I move:

Page 16, line 6—Before 'debar' insert 'with the approval of the Permanent Head'.

It is the Opposition's view that debarring a person from visiting a prisoner is a very serious matter indeed. Although we appreciate that there are any number of circumstances that would require a Superintendent or a person in charge of a prison to take such action, nevertheless the Opposition believes that it is of sufficient importance to raise the point that the Superintendent should not be placed in a situation where a decision of this type could be interpreted as being a personal vendetta by the Superintendent against a certain person who might want to visit a prisoner.

I believe that, where a Superintendent decides that a certain person ought not be able to visit a prisoner, that decision ought to have the agreement of the permanent head. I realise that this circumstance would not arise all that often, but I think that when it does occur the approval of the head of the department should be obtained.

The Hon. W. A. RODDA: The Government cannot agree to the amendment. The Superintendents of our institutions (I am sure the honourable member knows them all) are reasonable people, and I am sure that Superintendents are fully qualified to make a decision concerning visitors turning up at the front gate of an institution. The permanent head might not always be available to give the necessary approval, and there may not be sufficient delegation to cover that circumstance.

Mr Mathwin: Not at the weekends, either.

The Hon. W. A. RODDA: As the honourable member says, the weekend is the time when these people turn up. Indeed, in recent times, because of the personality parade, shall we say, the media has been interested in the workings of the prisons. Indeed, interstate visitors have for many reasons knocked on the gate. Some have visited prisons, and we have heard about that, too, much to our chagrin, following their visit.

The Bill has not been drawn in an idle way. A Superintendent is in charge of a correctional institution to which he is appointed, and the Government is quite solid and strong in its belief that this is the way that it should be. The Government believes that the honourable member's amendment would make the provision unwieldy, because the permanent head is not always available, especially on weekends. In those isolated cases, there will be very strong and cogent reasons why certain people cannot be admitted. I can assure the honourable member that anyone who is entitled to visit a prisoner will not be denied that right. I say this from not long, but very cogent, experience in this field.

Mr KENEALLY: Will the Minister explain to the Committee what rights has a person who has been debarred by the Superintendent from visiting a prisoner? Can that person appeal to the permanent head or the Minister? Will a visitor who has been debarred be troubling the permanent head or the Minister, or will the Superintendent, who I acknowledge as being the person in charge of a correctional institution, make the decision, and will the person involved have no right of appeal? If there is a right of appeal, that should be written into the legislation, or perhaps there is an automatic right of appeal in circumstances like these.

I accept that there are likely to be cogent and sensible reasons when the Superintendent refuses a visit, but that is not always the case. It is left to the judgment of the Superintendent, and what appear to be sensible and cogent reasons to him might not appear sensible and cogent to the permanent head or the Minister. That is why we have tried to introduce the amendment.

The Hon. W. A. RODDA: I admire the minuscule attention the honourable member pays to the interests of people who wish to visit prisoners. We live in a free country, and we have an Ombudsman to whom people can go if they feel strongly about it. I am constantly receiving letters, and I have had to refuse some people permission to visit prisoners. Some of the best reasons that I give do not satisfy them, and they come back. That is the pertinacity of modern society; if people wish to pursue their end they do so.

The honourable member need have no fears. It is not written in the legislation that anyone is barred. If he is refused, and if he badly wants to see someone, I am sure that he would be the sort of person who would seek out the head of the department, the Minister, or the Ombudsman. For the sake of regularity and security, the Bill as drawn guards against such things. I am sure that, if such an instance did occur, it would be an isolated instance and the charity of Ministers, past, present and future, could be prevailed upon. If there were cogent reasons, the matter would be fully considered.

Amendment negatived; clause passed.

Clause 35—'Prisoners' rights to access to legal aid and legal services.'

Mr KENEALLY: Although we support this clause, I wonder why it contains no provision to the effect that the Superintendent of a place of imprisonment shall ensure that a prisoner who desires the services of a legal practitioner has access to those services as soon as is reasonably practicable. If the Opposition had been introducing the amending Bill, that provision would have been included. I suspect that the Minister has looked at the possibility and has rejected it. Will he say why the Government does not favour the inclusion of such a provision?

The Hon. W. A. RODDA: It is spelt out in subclauses (1) and (2). There is quite free access to a lawyer. Subclause (1) is saying that, because he is a prisoner, he is not to be barred from the benefit of any Act or law relating to legal aid. That spells it out succinctly, and the marginal note is explicit. No barriers will be put in his way.

Mr KENEALLY: I do not believe that it puts the case succinctly at all. The fact that a prisoner is not debarred from the benefit of any Act does not place any responsibility on the Superintendent to ensure that a prisoner has access to a legal practitioner as soon as is reasonably practicable. The clause provides that the prisoner will have access to a legal practitioner, but it is difficult sometimes to obtain that access. We are suggesting that the Superintendent could assist the prisoner in obtaining access. I have not moved an amendment, and I simply inform the Minister that I intend to recommend to my colleagues in another place that that clause could be improved by moving an appropriate amendment.

The Hon. W. A. RODDA: The honourable member is worried about access. The prisoner is able to write to the Legal Aid Society or the Legal Services Bureau, and telephone calls are permitted. If a person wishes to contact legal aid or a solicitor, that is made available to him by the Superintendent.

Clause passed.

Clauses 36 to 44 passed.

Clause 45—'Procedure at inquiries and hearings under this Division.'

Mr KENEALLY: The Opposition does not object to the clause, but paragraph *(c)* states:

> the superintendent or visiting tribunal shall not, subject to this Act, be bound by legal forms or technicalities or the rules of evidence, but may inform himself, or itself, in such manner as he, or it, thinks fit;

I wonder how that compares with clause 47, which provides that a prisoner may appeal to a district court against an order of a visiting tribunal made in any proceedings against the prisoner under this Division on the grounds that the proceedings were not conducted in accordance with the provisions of the Act. There may be a simple explanation. One provision is to the effect that the visiting tribunal or the Superintendent shall not be bound by the rules of evidence in matters dealing with offences against regulations. If there is no ambiguity, perhaps the Minister will explain where I am in error.

The Hon. W. A. RODDA: I am informed by the Director that this relates to an administrative tribunal and there are decisions on the spot. The honourable member has quoted paragraph *(c)*, and I think the thrust of the Bill has been that it is incumbent on the authority looking at the matter

that all of those things will be looked at. It is not bound by legal forms; it is an administrative tribunal.

Clause passed.

Clauses 46 to 54 passed.

Clause 55—'Continuation of the Parole Board.'

Mr KENEALLY: I move:

Page 24—

After line 7—Insert new paragraph as follows:

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

Twelve months ago the Opposition moved amendments to seek to constitute the Parole Board differently from the way sought by the Government. The amendments relating to the Parole Board provide that the Chairman shall be a judge of the Supreme Court; that the Deputy Chairman shall be a person who has, in the opinion of the Government, an extensive knowledge of and experience in criminology, penology or any other related science. We seek to ensure that one of the members of the Parole Board is an Aboriginal. The Opposition agrees that one of the members should be a woman, and I understand that the person who currently is a legally qualified medical practitioner has been of enormous benefit to the current Parole Board, and we would certainly agree with the continuation of that member.

The Opposition feels very strongly that it ought to be written into the legislation that one of the persons should be from the Chamber of Commerce and Industry and that one should be from the Trades and Labor Council. We have been through this argument before, so all the reasons that the Opposition has for moving such amendments are well known to the Minister and the Committee. I hope that the Government sees fit to accept the amendment.

Amendment negatived; clause passed.

Clauses 56 to 60 passed.

New clause 60a—'Board may be divided into panels for certain proceedings.'

Mr KENEALLY: I move:

Page 25, after clause 60—Insert new clause as follows:

60a. (1) Notwithstanding any other provision of this Part, the board may, for the purposes of proceedings under this Part, or proceedings relating to release on licence, be divided into two panels in accordance with the directions of the Chairman of the board.

(2) Each panel must consist of three members of the board, one of whom must be the Chairman of the board or the Deputy Chairman of the board.

(3) Both panels may sit at the one time.

(4) A panel shall, for the purposes of any proceedings under this Part, or any proceedings relating to release on licence, be deemed to be the board.

It is the Opposition's view that, with the new conditional release system, there will be many more applications for parole and that the existing Parole Board will therefore be under extreme pressure if it is essential that it sit as one body. The Opposition believes that powers ought to be vested in the Parole Board to sit as two industrial Parole Boards, each of three persons. This is why we sought to have a judge as the Chairman and a person experienced in penology, etc., as Deputy Chairman. In that way, each of these people could independently chair one of the Parole Board subcommittees, constituted as the Parole Board.

It certainly appears to us that this would improve the efficiency of the Parole Board in so far as it should be able to cope with double the number of applicants. If the conditional release has the effect that the Government wishes it to have, we will, of course, have more applications for parole. I see some members shaking their heads. Conditional release should encourage people who are currently not applying for parole because they want to stay in prison and then come out on remission, free of any parole check.

Mr Mathwin: A lot of them do, don't they?

Mr KENEALLY: Yes, but under the new system of conditional release it will be a very strong encouragement to these people not to do so, because there will not be any benefit to them to stay in. As there will be many more parole applications, the Opposition has sought to give the Parole Board power to constitute itself into two separate Parole Boards, each of three, so they can accommodate those applications.

The Hon. W. A. RODDA: I do not agree that the Parole Board should have an amoebic characteristic so that it can divide itself. The honourable member sees the conditional release as placing more work on the Parole Board. The Government does not see it that way. When a prisoner is given his sentence now, a first requirement of the sentencing judge or magistrate will be a period of non-parole. That gets him out of the vision of the Parole Board for a specified time. An inmate will earn his conditional release, provided that he can behave himself. That too will run to a given time. If a prisoner defaults when he is released, he serves not only the time that he has been out but the full sentence.

So, there are some very real incentives in the conditional release scheme for the offender; the honourable member acknowledged that. There is a strong incentive and also a responsibility on an offender if he is out in the mainstream of civilisation, and indeed we hope this will contribute to the rehabilitation. We have not seen the need for the Parole Board at this stage, anyway, to be over-burdened with work. I think that present meetings of the Parole Board have a 14 days sequence. The department is able to prepare the cases, and it seems to run quite smoothly. I have been amazed at the smooth running of the Parole Board during the 2½ years that I have been Minister. We have certainly had some hassles, but we have also dealt with some quite difficult cases. Cabinet has had to look at them, and any change of policy on indeterminate sentences must be ratified by His Excellency the Governor in Council. That means work for Cabinet as well. It has not been revealed to us that there is a need for what is, in effect, two Parole Boards. Maybe the Opposition sees such a need, but the Government does not.

Clauses 61 to 63 passed.

Clause 64—'Reports by the board.'

Mr KENEALLY: I move:

Page 26, line 40—After 'revocation of parole' insert ', and the reasons for each such cancellation or revocation'.

I believe that this information is important. It certainly would be important for the Minister to have. Such information should be readily available, and I see no reason why the board could not readily provide it for the Minister.

The Hon. W. A. RODDA: I take it that the honourable member is saying that if parole is cancelled the reason for such cancellation should be made available?

Mr Keneally: Yes.

The Hon. W. A. RODDA: I think that these reasons are already available. If a person is returned to prison it is usually because he has broken his bond or trust. He is brought before a court and pre-sentence reports and police reports stating that the offender has erred are available. I do not see why the honourable member requires that extra information, which seems to me to be superfluous. After having been released, a person does not go back into prison unless he has got into some trouble or committed an offence. I do not accept the amendment.

Mr KENEALLY: It is not superfluous information. I am not in the habit of putting into Bills words that serve no purpose. It is the experience of this Party when in Government that those reasons are not provided by the Parole Board and that the Minister has to seek those reasons. It is that experience that leads us to move this amendment. I do not accept that what the Minister says is the fact. The

reasons for the revocations and cancellations are not automatically provided to the Minister.

The Hon. W. A. Rodda: He can get them if he wants them.

Mr KENEALLY: They have to be sought. When the board reports to the Minister, that report covers a whole list of requirements, including advice to the Minister on the number of persons returned to prison in the previous financial year upon the cancellation or revocation of parole. It seems perfectly reasonable that that should be accompanied by the reasons for those cancellations or revocations. When a report is given to the Minister it seems odd that he then has to have his officers contact the Parole Board and ask for the reasons. All I am doing is seeking to write in a statutory provision the requirement that the Parole Board provide the information, because in the past it has not happened. It may be happening now, I do not know, but in the past it has not, and that is the reason for the amendment.

The Minister can give assurances only as they apply to himself as Minister. He cannot give assurances for what applies when he is not Minister, and it seems to me to be utterly ridiculous that each time we have a change of Minister we will have to change the Act to suit the particular assurances of a certain Minister. The Act is there to provide the basic rules by which in this case the Parole Board is to operate. It is a simple request. The Minister says that it is superfluous because he believes that it applies now, but it has not always gone on, it is not superfluous, and I believe that the amendment will provide in the legislation a task that is appropriate.

The Hon. W. A. RODDA: In the debate last year we provided for the Police Commissioner or the Director of Correctional Services to consider this matter and make representations to the Parole Board in respect of any cases involving parole. In another place, an amendment was accepted that that same proposal would apply to the prisoner. What the honourable member is looking for is some statistical information.

Mr Keneally: No, the reasons given for the cancellation or revocation.

The Hon. W. A. RODDA: They are statistics after all. I do not think there is any great secret about why a person would be returned to prison. I am not terribly fussed about it. I think it is superfluous, but I will accept the amendment.

Amendment carried; clause as amended passed.

Clauses 65 to 68 passed.

Clause 69—'Duration of parole in relation to prisoners not serving sentences of life imprisonment.'

Mr KENEALLY: I believe that this clause is inconsistent with conditional release, unless a parole order is automatically discharged at the time of the prisoner's conditional release becoming due. It is accepted that the parole order will not involve supervision associated with normal parole. I have made that statement in this place. If it is necessary, because of the response, I shall recommend that my colleagues in another place take the appropriate action.

Clause passed.

Clauses 70 to 76 passed.

Clause 77—'The Director, the Commissioner of Police and the prisoner may appear before the board in any proceedings.'

Mr KENEALLY: I move:

Page 32, after line 11—Insert new subclause as follows:
(4) A person appearing before the Board may be represented by a legal practitioner.

I hope you appreciate my position, Sir. We are trying to get this Bill through as quickly as possible today, which means that many of the questions and points I intended to raise I have let go by, but I cannot do that in this case, which is quite complex. This clause covers the rights of people who appear before the Parole Board. Clause 77(2) *(c)* states:

the prisoner may make such submissions in writing to the board as he thinks fit.

That certainly gives the prisoner improved rights before the Parole Board. However, it is the strongly held view of the Opposition that, particularly where it is likely that the Parole Board will refuse an application, the prisoner should be able to be represented by a legal practitioner. It would be absolutely futile, and it would waste the time of the Parole Board and be a great expense to everyone, if, every time there was an application before the board, a prisoner was represented, because quite often the Parole Board approves the application. However, I believe that, where the application is likely to be refused, the prisoner should be legally represented.

The amendment goes further, and provides that any person who appears before the Parole Board may be represented by a legal practitioner. I do not know whether the Commissioner of Police or any member of the Police Force who is authorised by the Commissioner to make submissions to the Parole Board would feel the need to be represented by a legal practitioner, but if such a person was giving evidence, he could be legally represented. To the same extent, the members of the Department of Correctional Services who appear before the Parole Board, if the circumstances warrant it, could be represented by a legal practitioner. If this right is to be given to some people who appear before the Parole Board, it should be available to all who appear before it. It depends whether officers would feel the need to have the support of a legal practitioner.

I have had personal experience of this, as I believe have most members of Parliament. A parole application is extremely important, and bears very heavily on the mental condition of a prisoner. Quite often it is a determining factor in that prisoner's performance within the prison and his attitude to discipline. It is perhaps at that time the most important thing in the prisoner's life, and it is absolutely essential that the prisoner is given every opportunity to present his case.

Under the amendment, the Parole Board would be chaired by a judicial person, whereas under the Bill it would not. If not a semi-judicial body, the Parole Board is a body before which most prisoners would feel the need of support and assistance. Our amendment seeks not only to give the prisoner the right to have legal assistance but to provide the same assistance to all other people who appear before the board. We feel very strongly about this issue and we certainly seek the Government's support for our amendment.

The Hon. W. A. RODDA: The honourable member seeks to break very heavy new ground, if we could describe it in such farmers' terms. The Parole Board considers a prisoner's progress, his behaviour, and the way in which he has conducted himself in prison. We have heard the term 'the model prisoner'—he serves his term of non-parole, he has conditional release, and all of the other aspects that are provided in the Act. The honourable member mentioned the Commissioner of Police. The Bill that we brought in last year provided that the permanent head or an officer of the department authorised by the permanent head for the purposes of making a submission or in writing may approach the board. The Commissioner of Police or a member of the Police Force is authorised to make submissions to the board in writing as he thinks fit, as is the prisoner. Subclause (3) states:

Where, in any proceedings before the board, the permanent officer of the department, the Commissioner of Police or a member of the Police Force appears personally before the board, the prisoner the subject of those proceedings may also appear before the board . . .

The presence of a legal practitioner is an entirely new concept. There has been no legal argument before the board. The board considers the prisoner's performance and his sentence, and has access to all reports. I cannot see the reasons for the honourable member's arguments. They show the way the Opposition is thinking, but that is not the way the Liberal Party thinks: that is not our policy. We see the Parole Board as having a very functional role. As the Bill exists, the agreement was that the police have an input, the department has an input and, indeed, the prisoner has an input. All of the components are there.

The Parole Board is made up of people who are quite highly qualified, with all mercy in their breasts to see that the inmate is given a fair hearing. To bring in a legal officer would tend to give the Parole Board the role of a semi-judicial body, and we do not regard it as that, although the honourable member referred to it as that.

We believe that the Parole Board balances the needs of society against the rights of a person who has been incarcerated and who is serving his sentence. If someone plays up, he does not get parole. In looking at the amendment against the scenario I have put to the honourable member, I cannot accept it.

Mr KENEALLY: I suggest that the Parole Board is a *quasi* judicial body, but I will not argue about that. It should not come as a surprise to the Minister that the Opposition would move such an amendment, because documents were available to him that would show that the Opposition believes, as this clause was originally proposed, that any person who appears before the Parole Board may be represented by a legal practitioner.

Obviously, the Government was aware of the Opposition's feeling but it has not seen fit to support it. As the Minister says, this is the difference between the Liberal Party and the Labor Party. I do not know that that is necessarily the case. It is true that the Parole Board is made up of people who have great concern for the welfare of the prisoners, and because this is the case the Minister said that there was no need to have legal assistance. I point out to the Minister, that 12 good men and true who make up a jury have concern for the welfare of people who appear before them, but people who appear before a judge and jury have access to legal practitioners.

When an application is made to a Parole Board there are reports presented to that Parole Board by the department and by the Police Commissioner that bear very heavily on whether or not the prisoner is successful in his appeal. The prisoner in those circumstances will need to challenge these adverse submissions. If the prisoner, as quite often is the case, is not well educated or knowledgeable in the law and is unable to present his own case adequately, he is at a disadvantage, as compared to senior departmental officers, the Commissioner of Police, or the person the commission charges with the responsibility of appearing before the Parole Baord.

So all things are not equal. We have very skilled, competent departmental officers and police officers appearing before the Parole Board giving adverse reports about a prisoner, and we have a poorly skilled, inarticulate, poorly educated prisoner who is then expected to be able to contest these adverse submissions and to expect justice from the Parole Board. The battle is so unequal that it should be obvious to everybody that a prisoner should be able to go before a Parole Board and expect equal justice. A prisoner should be able to go before a Parole Board and know that his position is protected, but a prisoner himself is probably the least able to do that.

The very fact that the prisoner finds himself incarcerated, quite often is a clear indication of his or her inability to meet the system. We all know that the gaols are full of people who were not represented by legal practitioners. A person goes before the court and represents himself, and he finishes in gaol. However, in the case of someone who goes before the court and is represented by a legal practitioner, his chances of not being imprisoned are improved enormously. The same principle prevails with the Parole Board. If a person goes before the Parole Board and has to battle against very skilled advocates who have submitted adverse reports about that person, what chance does the prisoner have? He has none, and his application will fail.

What we are seeking to do here, when the Parole Board feels certain that its decision will be contrary to the application, is provide for that person to have legal representation. All we are asking for is civil justice and for the prisoner to be given a fair go. The fact that he is a prisoner does not mean that he is not entitled to the same access to justice that the rest of us believe we are entitled to. The fact that he is a prisoner does not mean that the cards should be stacked against him to such an extent that the prisoner has no chance at all of defending himself against these skilled advocates.

What we are saying is that a prisoner (where it is likely that his application will be refused, and certainly where it is the case that the department and the Police Commissioner bring in adverse reports about that prisoner) has available to him a skilled advocate, which would enable the prisoner to present his case so that he could receive justice. If in view of all that the Parole Board refuses the application, the prisoner knows that he has had a good and fair hearing. In the absence of that legal representation, there is no way in the world that the prisoner can be convinced of that, and I know that for a fact.

In the past 12 months I have made representations on behalf of prisoners who have been refused parole. These prisoners believe that their parole has been refused for reasons well outside their personal behaviour. There are other members in this Chamber who know exactly what I am speaking about because they know the prisoners and the circumstances and know that their applications for parole have been rejected. Their positions would have been better protected if they could have had somebody skilled as an advocate for them.

The Opposition is very strong on this matter, and we certainly hope that the Government sees the logic of what I am saying and accepts the amendment, because all it does is give a prisoner the right to have his case properly heard before the Parole Board. If it is obvious that the departmental head and the Police Commissioner, will provide a favourable report for the prisoner, there seems to be little sense in going to the trouble of getting lawyers, etc., to represent the prisoner. It is not difficult for the authorities to determine that a prisoner's application is likely to be refused and, in those circumstances, to advise the prisoner that he ought to seek legal representation if he appears before the Parole Board. It is perfectly logical and I am sure the Government will review it as such.

Mr MATHWIN: I support the Minister in opposing this amendment. It is quite obvious that the member for Stuart is getting mixed up.

Members interjecting:

The CHAIRMAN: Order!

Mr MATHWIN: It is quite obvious that the member for Stuart believes that going before the Parole Board involves legal argument, but it does not. The honourable member thinks that a Parole Board sits as a court, and he believes that the whole procedure is just the same as normal court procedure, with legal people on both sides representing both cases, but that is not so. The record of the prisoner is studied, and he must prove that he has behaved while in prison.

His record has to show that he has behaved and caused no trouble. The honourable member suggests that there is no justice in the Parole Board. Indeed, he would have us believe that on the Parole Board there are a lot of evil people and that they do nothing but try to denigrate the prisoner when he or she comes before the board.

That is ridiculous. They look at the reports that are submitted in writing by prison officials and by the Commissioner of Police, if they see fit. Those reports go before the board. The honourable member said that the prisoner might know beforehand whether he is to get a good or bad report. I suggest that those who believe that they will not get a good report are those who have been naughty. Therefore, I suppose if a prisoner has been naughty and not done what he was supposed to do, he will ask for legal aid, for a lawyer to represent him. The honourable member must realise that there is no legal argument in relation to the Parole Board. I suggest that the honourable member think again before putting this amendment before the Committee.

Mr KENEALLY: Mr Chairman, before you put the question, I want to reply to some of what I consider to be almost vicious comments made by the member for Glenelg. At no time did I reflect on the Parole Board. On any *quasi* judicial body it is quite often necessary for an inarticulate witness to have someone to act as an advocate for him, and more often than not lawyers are the appropriate people to do this. This is no reflection at all on the body making the decision. In fact, if the honourable member knew anything about the law at all, he would know that very often judges in courts advise prisoners to go away and obtain the services of an advocate.

Mr Mathwin: That is in the courts.

Mr KENEALLY: This applies to anyone. They are often advised to go away and obtain the services of an advocate to present the case in the most favourable light. For the same reason, people come to the honourable member as local member so that he can present their case to a Minister effectively. The Opposition is seeking an advocacy position. It is no reflection at all on the Parole Board. I reject the honourable member's comments, and I find it disgraceful that the member for Glenelg would try to draw such an inference from my comments, because it is utterly wrong.

The Committee divided on the amendment:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda (teller), Russack, Schmidt, and Wilson.

Pairs—Ayes—Messrs McRae, O'Neill, and Payne. Noes—Messrs Evans, Tonkin, and Wotton.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clauses 78 and 79 passed.

Clause 80—'The Superintendent shall grant 10 days of conditional release to a prisoner at the end of each month of imprisonment.'

Mr KENEALLY: I remind the Minister of what I said earlier in this debate about the recommendations of the Mitchell Report. The Minister will recall that the report was critical of the system where remissions were given each month. It was felt that this did not achieve the result that was desired. In fact, my understanding is that that system is not even used now within the Department of Correctional Services. What would be done here would be to write into legislation a practice that has been found to be at least administratively very inconvenient. I simply draw the Minister's attention to pages 71 and 72 of the Mitchell Report, and suggest that he and his departmental officers have a good look at that. Perhaps the Minister will then see fit to accept the Mitchell Report's recommendations.

Clause passed.

Clauses 81 to 83 passed.

New clause 83a—'Superintendents to comply with orders and directions of officers of courts and police officers in enforcing court orders.'

The Hon. W. A. RODDA: I move:

Page 35, after clause 83—insert new clause as follows:

83a. The Superintendent of a correctional institution shall comply with any order or direction given by an officer of a court, or a member of the Police Force, in the course of, and for the purpose of, executing any process or order of a court or justice that he is required or empowered by law to execute.

It is necessary to provide in this Bill that the Director or other persons in prisons, i.e., either police prisons or other prisons, obey the direction of an officer of the court who has been directed by a court or justice to convey a person to gaol or such other direction as may have been given to him by the issue of a process (such as a writ of attachment, i.e., to arrest a person) in order that the process be given effect to. This may require the keeping in safe custody of a person until he can be brought before a court or justice. The existing Prisons Act covers this point in regard to the Sheriff but not other officers of the court. Accordingly, the amendment has been drafted in broad terms, i.e. to cover the Sheriff, bailiffs and police officers.

New clause inserted.

Clauses 84 to 87 passed.

Clause 88—'Regulations.'

Mr CRAFTER: Will the Minister give an undertaking, following some discussion yesterday on the role of chaplains in prisons and some misunderstandings that have arisen that, before the proposed redraft of regulations relating to the chaplaincy, he will discuss the matter with the Committee of Heads of Churches? I do not see in this clause any explanation of where this falls, but I presume that it comes under the general heading of regulations. They have been drafted in the past, and it appears that a redrafting is now under way. I am sure it would be of some consolation to the Heads of Churches if there were consulation prior to the bringing down of regulations.

The Hon. W. A. RODDA: I gave an undertaking yesterday in reply to the member for Mitcham, and I do so now to the member for Norwood.

Mr KENEALLY: Will the Minister say when he expects the regulations under this legislation to be available for promulgation? Are we looking at a period of a month or two, or perhaps six months?

The Hon. W. A. RODDA: Obviously, the Bill must be passed before the preparation of regulations can be commenced. I suppose a month's preparation will be involved, and the department has in mind now some of the things to be done. First, it must have an Act to which assent has been given before any move can be made. I would hope that the period would be two or three months, but we must give ourselves a wide perspective. The Government wants the legislation operative as soon as possible, because it has been hanging around for far too long now, and we have been in office only a little more than two years.

Mr KENEALLY: An important provision has been omitted from this clause, and I wonder why the Government has not included it. There should be a provision to the effect that regulations and rules should comply with United Nations policy in relation to the treatment of prisoners. I find it strange that there is no such provision. Had it been included, it should have read as follows:

The Governor, in making any regulations under this Act, and the Minister, in approving the rules of any correctional institution,

shall ensure that those regulations or rules provide a minimum standard for the treatment of prisoners that complies, as far as is reasonably practicable, with any United Nations statement of policy then in force in relation to the treatment of prisoners.

It would be a clear statement that the South Australian Department of Correctional Services would comply, as far as possible, with all United Nations standards laid down for the treatment of prisoners. An amendment on this issue will be moved in another place, but I would welcome the Minister's advice on why such a provision does not appear in the Bill.

Mr Mathwin: Was it in the old Bill?

Mr KENEALLY: It appeared in the much maligned document—

The CHAIRMAN: Order! We are not discussing any other document.

Mr KENEALLY: I was asked where it appeared.

Mr Mathwin: How could we see it?

The CHAIRMAN: Order! The honourable member for Glenelg will cease interjecting.

Mr Mathwin: Then I will speak.

The CHAIRMAN: Order! The honourable member for Glenelg will not answer the Chair back.

Mr KENEALLY: It is in a document that the Minister and his department would have available to them. It is clear that the document was available to them, because so much of the Bill is identical with its provisions. To suggest otherwise is ridiculous.

The Hon. W. A. RODDA: The honourable member has been the epitome of persistence. I saw a number of Bills. We are not dealing with Bills, and he is raising matters that are not in this Bill. It may be important to the Opposition, but the Government feels that it has covered the necessary ground. Points out of the Royal Commissioner's report have been picked up. I do not think there is anything wrong with the design of institutions proposed by the Government. They will provide comfort and shelter for the inmates who will be in them as soon as possible.

The existing institutions have been a disgrace for years, and this Government has taken positive action to make the old buildings better and to set about the design of new institutions. Whether or not the relevant provisions of the United Nations Charter are written in here, what is proposed by the Government and my colleague the Minister of Public Works and his officers will bring about a marked improvement in the conditions in which prisoners will be required to serve their time. It is not in the Bill, and I make no apology for that.

Mr MATHWIN: I support the clause as it stands, without the addition of some fictitious provision in some phantom document referred to by the Opposition throughout this debate. Members opposite say that we have had the document. I take it that they are referring to a Bill that they were frightened to put before the House for acceptance. No-one has seen it, so how can one argue with the honourable member when we do not know what he is talking about? I doubt whether there is such a document. We know that there have been several Bills, from 1975 onwards, which the previous Attorney-General, now removed, sat on for three or four years, and the previous non-action Chief Secretary sat on quite a few. I presume that that is the document to which the honourable member referred and that they were afraid to bring it into the Chamber.

Clause passed.

Title passed.

Bill recommitted.

Clause 33—'Prisoners' mail.'

The Hon. W. A. RODDA: I move:

Page 13, lines 19 to 33—Leave out new subclause (4) and insert subclauses (4) and (5) as in the original Bill.

Do you wish me to read them out?

Mr KENEALLY: No. The Opposition will not oppose this request by the Minister, although we were sorely provoked by one of his colleagues. We do not propose to have this debate carried on in that very poor spirit. Although this motion was supported by the Committee, nevertheless I accept that the Minister was otherwise distracted when the vote took place. It seems that it is going to be recommitted so that that vote is changed. We will not oppose the Minister's right to do so.

The CHAIRMAN: The question is that the amendment be agreed to. Those in favour say 'Aye', against 'No'.

Mr Keneally: Are we voting on our amendment now?

An honourable member: Yes.

The CHAIRMAN: The question is that the amendment be agreed to. Those in favour say 'Aye', against 'No'. I think the Noes—

Mr Keneally: I don't think we are voting to recommit.

The CHAIRMAN: Order! There appears to be some misunderstanding. The question is that the amendment moved by the Minister be agreed to. Those who want the Minister's amendment to be carried should vote 'Aye', and those who are opposed to it should vote 'No'. The question is that the amendment be agreed to. Those in favour say 'Aye', against 'No'. I think the Ayes have it. The question is that clause 33, as further amended, be agreed to. Those in favour say 'Aye', against 'No'. I think the Ayes have it.

Mr KENEALLY: I take exception to the attitude displayed by the Chair. I had on file an amendment that was supported in Committee. Then that amendment was readmitted, because we allowed the Government to do so. However, that does not stop the Opposition from voting on that amendment as it wishes. It was our amendment, which was previously supported.

The CHAIRMAN: Order! I hope that the honourable member is not reflecting on the Chair, because I will take appropriate action if he is. There has been no attempt whatsoever by the Chair to prevent the Opposition from exercising its rights as contained in Standing Orders. The Chair has been most tolerant in this debate. There has been no deliberate attempt whatsoever in this respect. I point out to the honourable member that, if he reflects on the Chair, I will name him.

Mr KENEALLY: What is the position that we are at now? It would help the Committee, and me, as a spokesman for the Opposition, if you would advise the Committee just exactly where we are so that we can take the appropriate action.

The CHAIRMAN: If the honourable member for Stuart would like the Chair to explain the exact situation, I will do it. The honourable Minister moved to take out the amendment which the honourable member for Stuart moved and which was carried by the Committee. That was the course of action that the Chief Secretary took.

Mr KENEALLY: As I understand it, the Chief Secretary moved that a certain clause be recommitted so the Committee could deal with it, and that was passed.

The CHAIRMAN: Yes.

Mr KENEALLY: All right. So, now the Committee is back to clause 33, and we are going to be debating whether or not the Committee supports the amendment I was able to have passed during the Committee stage. I felt quite genuinely that that opportunity was not going to be given to the Committee, and that is why I objected. I am now asking for the opportunity to have that amendment put before and dealt with by the Committee. We have done this to assist the Government, because in truth our amendment was agreed to by the Committee, and now it has been sought to be changed.

The CHAIRMAN: Order! The honourable member appears to be confused. I will explain the situation again. The Committee carried the honourable member's original amendment. The Chief Secretary moved to have the clause recommitted. That was carried by the Committee. I then put to the Committee twice that the Chief Secretary be allowed to move to bring the clause back to how it is contained in the original draft in the Bill. That has been carried by the Committee, and the honourable member did not exercise his opportunity on that occasion.

Mr KENEALLY: I rise on a point of order. Is the Chair now ruling that the amendment which I had on file, and which was carried in the original Committee stage, has now been disposed of? If so, I disagree with the Chairman's ruling.

The CHAIRMAN: Order! The Chair has not made a ruling. All the Chair did was put the particular matter to the Committee and the Committee carried it. That was the amendment that was moved.

The Hon. W. A. RODDA (Chief Secretary): I move:

That the time for the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The CHAIRMAN: The question before the Chair is that the clause, as further amended by the Chief Secretary, be agreed to.

Mr KENEALLY: This is where I was before. I have the opportunity to debate my original amendment.

Mr Evans: No, you're debating the clause.

Mr KENEALLY: For goodness sake, the clause as it came out of Committee is the clause that included the Opposition's amendment. Now the Chief Secretary has sought to recommit the clause. There must be some clear definition of what is going on in this Committee so that the Committee can understand what progress is to be made.

The CHAIRMAN: The question before the Chair is that clause 33, as further amended, be passed.

Mr KENEALLY: Is the further amendment moved by the Chief Secretary, to delete the amendment that I placed in? I would oppose that further amendment moved by the Chief Secretary.

The CHAIRMAN: Order! That has already been passed. The Committee has agreed to recommit it. He can be critical of the course of action—

Mr KENEALLY: The clause is now before the Committee?

The CHAIRMAN: As amended by the Chief Secretary.

Mr MATHWIN: I rise on a point of order. I hope that perhaps we can throw some light on this situation. From my recollection, you, Sir, put before the Committee the intention of the Chief Secretary. You asked the Committee whether it desired the Chief Secretary to read his amendment and the reply from the Opposition was 'No'. You, Sir, put the amendment without its being read. You gave an opportunity to anyone in the Committee to oppose it and the reply from the Opposition spokesman was that he did not want it read. It was put without its being read, and it was supported by the Committee. That is the situation. If it will make matters easier, I do not see any reason why, if the honourable member wants to speak to his amendment, he should not do so.

The CHAIRMAN: Order! The honourable member is completely out of order. The only matter now before the Committee is the clause as it was originally printed in the Bill.

Mr KENEALLY: Am I not allowed to explain to the Committee what has happened to bring this unhappy situation upon us? Am I allowed to explain that the Chief Secretary approached me just before the last clause that the Committee was disposing of to inform me that unfortunately he had made a mistake, that he was distracted by his officers, and allowed a vote of this Committee to go through, supporting an amendment to which he was opposed, and he asked whether we would oppose its recommittal? I could have said: 'Yes, we do oppose the recommittal of it,' and we could have had a battle on that, because that would have been an appropriate course of action for the Opposition to take. However, I said that we would not oppose it, because I knew that the Chief Secretary was otherwise distracted. We did him the courtesy of allowing him to recommit an amendment which we had placed on file and which had been supported by the Committee. I knew that what the Minister was proposing to do was to defeat that amendment, which we hold very dear.

The Chief Secretary then, after the title had been read, asked whether that particular matter could be recommitted, and that is what we voted on. I stood up and asked, 'Are we now debating the amendment?' The Chairman said: 'No, we are not, we are debating whether or not this particular clause is going to be recommitted.' That was quite definitely explained to me, and it is no good the member for Fisher wobbling his head, because it is the Chairman who makes the decisions in this Committee and, as a person who has been in the Chair more times than has the member for Fisher, I well recognise that that is what we supported.

I asked for it to be made absolutely clear before any vote was taken what my rights were to support my amendment and to vote accordingly. Today, after the Opposition had given the courtesy to the Chief Secretary, who made a mistake, to recommit a clause, I find that in recommitting the clause the Opposition's right in regard to its own amendment which was supported by the Committee has been abolished. If that in any way can be supported by Standing Orders, I am absolutely amazed, and Standing Orders ought to be amended. What has happened here is a grave injustice to an Opposition which bent over backwards to show courtesy to a Minister who made a mistake and could have been held to that mistake. However, we did not see fit to do so.

I asked the Chairman quite clearly what were my rights in regard to our amendment, and I was told that I had to sit down or I would be named, because he was going to put the Chief Secretary's motion. We supported the Chief Secretary's motion that that clause be recommitted. That clause had been amended by our amendment, approved by the Committee, and when we go back into Committee surely that is what we go back into. We go back to the stage that had been reached previously, which meant that, if the Chief Secretary then wanted to change the clause, he had to move that the Opposition's amendment be taken out. Then, we could debate that matter, and the Opposition would have been given an opportunity to vote on it. However, all that now faces the Opposition is to support a clause, and the Opposition's amendment is no longer a subject for this Committee. That is the position that we are in. I find that totally objectionable. In fact, I do not find it to be correct at all.

I would be utterly amazed if that is the position that we are in. If that is the position we are in, the Government ought to take action to move the appropriate amendment to give the Opposition the same rights of debate that we have given the Government, and failure of the Government to do so is no more than a gag and an unholy and shabby trick, from which the Opposition has suffered by it. I do not appreciate what has happened here this afternoon. I think that our rights have been taken right away from us, and there can be no other explanation of what has taken place than that.

The CHAIRMAN: I point out to the member for Stuart that he has misunderstood completely the course of action taken by the Chair. There has been no attempt whatsoever to prevent him or any other member carrying out his rights according to Standing Orders. I did on one occasion endeavour to assist members when they were calling on the voices so that there could be no misunderstanding. I read for the benefit of the member for Stuart the exact matters that were put to the Committee, as circulated. This is what the Chief Secretary said:

I move that clause 33 be reconsidered.

That particular question was put and carried. He then moved:

Page 13, lines 19 to 33—Leave out new subclause (4) and insert subclauses (4) and (5) as in the original Bill.

That particular matter was put and carried.

Mr KENEALLY: I rise on a point of order. It was at that time that I wanted to debate the issue, and I was sat down by the Chair. It was at that time that I asked about my rights to debate the issue, and I was told that, if I persisted with my behaviour, I would be named. So, I was denied by the Chair, quite obviously, the opportunity to debate that particular amendment. I seek your advice, Sir, as we allowed the Government to recommit a clause. Is it within the powers of the Minister in this Committee to seek that that matter be recommitted so that the Committee can adequately discuss it? My point of order is that, in view of the practice of this Committee in the past 20 minutes, that is an appropriate course of action for the Committee to take.

The Hon. W. A. RODDA: I rise on a point of order. I know that we are in your hands, Sir, but the Government has no problems. We did not debate this matter. If we cast our minds back to last evening, I think we were just about on the verge of having a vote on it. I think it was the honourable member's intention to divide on this clause. However, I do not want to be putting any obstructions in the way of the Opposition's expressing its viewpoint. I am entirely in your hands, Sir, if they want to have a debate on it. If the Opposition wants to debate the matter, it can.

The CHAIRMAN: Even though the matter has been voted on, is it the wish of the Committee that it further consider the amendment? It is entirely a matter for the Committee to determine. Is there any objection? The question before the Chair is that the amendment be further considered.

Motion carried.

The CHAIRMAN: The question before the Chair is that the amendment be agreed to.

Mr Keneally: Is it the Minister's amendment or the original amendment?

The CHAIRMAN: The Committee is considering the Chief Secretary's amendment.

The Hon. J. D. WRIGHT: I rise on a point of order. It is no good your getting annoyed with me, Mr Chairman, because I have just come into this. I have been quite silent so far. From my observations, the member for Stuart has been denied the opportunity to put his point of view in the debate on the amendment moved by the Chief Secretary. Following the Chief Secretary—

The Hon. W. A. Rodda interjecting:

The Hon. J. D. WRIGHT: The honourable member is trying to put the proposition, and my point of order is that he has not had the opportunity.

The CHAIRMAN: Order! The Committee has before it the amendment moved by the Chief Secretary.

Mr Keneally: Will you read the whole amendment for the benefit of the Committee?

The CHAIRMAN: The amendment moved by the Chief Secretary that is currently before the Committee is as follows:

Page 13, lines 19 to 33—Leave out new subclause (4) and insert new subclauses (4) and (5) as in the original Bill.

Mr Keneally: What is new subclause (4) that the Minister is moving to leave out?

The CHAIRMAN: It is the original amendment moved successfully by the member for Stuart on an earlier occasion.

Mr KENEALLY: I oppose that. We are back to where we were 20 minutes ago. There is no need for this at all. I oppose the deletion of those subclauses: they were inserted for a very good reason. The Opposition believes that certain restrictions should be placed on the rights of people within prisons in regard to censoring mail. That debate took place last night and I will not canvass all of the reasons again, but they are many and valid. I definitely oppose the deletion of those words from the clause, because the clause as it is now constituted is very much better than the clause that was originally intended by the Government.

The Hon. W. A. RODDA: I believe we have gone back two steps. I thought that my motion, which was agreed to, was that the Committee recommit the clause and that we return the clause to its original state. I asked the honourable member whether he would agree to the clause being recommitted. As I understand it, the Bill is now in its original form and open for debate. I seek your ruling on that, Mr Chairman.

The CHAIRMAN: The Chief Secretary has moved to return the clause to its original form, and that motion is currently before the Chair.

The Committee divided on the amendment:

Ayes (20)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda (teller), Russack, Schmidt, and Wilson.

Noes (17)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally (teller), Langley, McRae, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Goldsworthy, Tonkin, and Wotton. Noes—Messrs Corcoran, O'Neill, and Payne.

Majority of 3 for the Ayes.

Amendment thus carried; clause as further amended passed.

Bill read a third time and passed.

ELECTORAL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONSTITUTION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

RIVERLAND CO-OPERATIVES (EXEMPTION FROM STAMP DUTY) BILL

Adjourned debate on second reading.
(Continued from 10 February. Page 2740.)

Mr BANNON (Leader of the Opposition): I need not take up much time of the House on this Bill. It has the support of the Opposition. As has been pointed out, the merger could go ahead in such a way as to avoid the payment of stamp duty, but that would be a cumbersome process; it would entail arrangements, as has been pointed out in the second reading speech, that would certainly reduce the psychological effect of a single strong co-operative identity. In any case I do not think it is the intention, nor should it be the intention of the Government, to levy the duty. In those circumstances we can support this Bill with its simple clauses.

The only remark I would like to make is that, while we certainly see this tendency to merge the co-operatives, and thus strengthen them, as being an important development, particularly in the current state of the wine industry, I hope that this strengthening is such that it not only improves and develops the financial viability of the two co-operatives in the new unit, but also ensures they have the strength to resist take-over.

I think it is a great pity that the Kaiser-Stuhl Co-operative appears to be no longer with us, and one of the side effects of that take-over by Penfolds is that the headquarters of administration will be moving to Sydney. That is a great pity. It follows the tendency of a lot of major businesses in this State, and I think it is particularly sad when one of those key industries, the wine industry, is subject to what is happening to our manufacturing and financial areas as well.

While this strengthening of the co-operatives in the Riverland has certainly been welcomed, and while we hope that this will ensure that their performance improves markedly (and there is no reason to suppose that it will not despite the difficult position of the market place), I would hope further that the co-operative in the form of a co-operative is not simply taken over and its control, management, future capital planning, and so on, removed to another State, as has happened far too often in the last couple of years.

The Hon. D. C. Brown: Under the previous Government.

Mr BANNON: Yes, it is quite a regrettable process that has been taking place for some time. As instanced, the Kaiser-Stuhl Co-operative, which put itself in a very strong position, making it unfortunately, in a sense, too attractive to resist the take-over offers, has gone that way, and that is a great pity. I indicate our support of the Bill.

The Hon. D. C. BROWN (Minister of Industrial Affairs): I appreciate the support of the Opposition on this matter. I think it is a logical move to strengthen the co-operatives. I take up the last point made by the Leader of the Opposition. There is no doubt that, in the very competitive position of the Australian wine industry at present, it is necessary for there to be some rationalisation, particularly as far as marketing is concerned. From the number of quite considerable discussions I have had with wine companies and the reasons for the rationalisation at present, it would appear that the best way of reducing costs is to reduce their marketing costs. I am sure that the Leader realises that a successful marketer in this area must have very substantial human and other resources throughout every capital of Australia, in fact, overseas, if they are to market overseas, as we hope they do. It is that cost that they are trying to substantially reduce. For instance, this merger would presumably approximately halve the marketing costs of the combined organisation. It also strengthens the position of the two co-operative wineries. They are both large co-operatives and I think there is no doubt that this will make them the biggest co-operative winery in Australia.

The Leader has pointed out that there had been the take-over of Kaiser-Stuhl, which was South Australia's biggest co-operative winery prior to this merger and before the take-over. I stress that that has been a take-over by interests which are South Australian interests; it is not being lost interstate. Kaiser-Stuhl have been taken over by Penfolds, but the controlling interest in Penfolds is owned by Tooths and the controlling interest in Tooths is owned by the Adelaide Steamship Company, a South Australian company.

Mr Bannon interjecting:

The Hon. D. C. BROWN: Yes, Penfolds is administered from Sydney although it has considerable resources in this State. Do not let us underestimate the extent to which this State has benefited from some of the rationalisation that has taken place in the Penfold organisation. For instance, there is a substantial new $10 000 000 bottling plant being erected for Penfolds in the Barossa Valley, and a number of the bottling operations at Penfolds have been relocated from New South Wales to Adelaide. So, this State has gained from that rationalisation.

I detected a suggestion that this had occurred under the present Government. I would draw to the Leader's attention that I have recently seen a list of rationalisations in the wine industry and there is no doubt that the biggest rationalisation of all took place in this State in the period from about 1973 to 1976, when a considerable number of very large wineries and some of the co-operative wineries were taken over in many cases by national or international companies. That occurred in this State under the Labor Government. It is fair to say that, if there is one thing that the Government has done it has been—

Mr Bannon interjecting:

The Hon. D. C. BROWN: Oh yes there were. One of the co-operatives in the Clare Valley was taken over during that period. I forget the name, but I am sure that the honourable member will find that one of the co-operatives in that area was taken over during that time. Whether or not companies are in the wine industry, they must be viable and it is up to them to adjust and be flexible to changing needs of the market place and be big enough to survive. There is a rationalisation going on throughout the world.

It is always suggested by the Opposition that companies are lost from this State, but I highlight the extent to which a number of companies have been brought into this State by rationalisation and take-overs. I draw to the attention of the Leader of the Opposition that just last year Rubery Owen Holdings in this State took over a substantial manufacturer of steel rims in Sydney.

Mr Bannon: What has that got to do with it?

The Hon. D. C. BROWN: It is very pertinent, because it relates to the point the Leader raised about the loss of business from this State. I stress that there is a case where a company was taken over and the operation of the company relocated in South Australia. So, the suggestion raised by the Leader of the Opposition is part of the scaremongering that the Opposition likes to indulge in in this House and to put up its pessimistic sort of attitude on the operation and success of South Australian ventures.

Mr Bannon: What is this?

The Hon. D. J. Hopgood: He is testy.

The Hon. D. C. BROWN: No, I am not testy. I find it amusing that the biggest knockers of South Australia, particularly South Australian industry, happen to be the Leader of the Opposition, the Deputy Leader of the Opposition, and their Party.

The SPEAKER: Order! I would suggest that the debate be kept relevant to the Bill before the House.

The Hon. D. C. BROWN: Thank you, Mr Speaker. I have made my point, and I urge all members to support the Bill.

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

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2763.)

Mr CRAFTER (Norwood): The Opposition supports this measure, with some reservations. Indeed, the measure before us is an improvement on the original intentions of the Government with respect to matters dealing with real estate in South Australia. This is another example of a Government determined to weaken consumer rights in this State. This Bill brings forward another group of amendments to weaken the fabric of consumer protection laws that were established by the previous Government in the 1970s. There can be no greater consumer protection than in the area of the purchase of homes and land, often the largest single purchase made by the majority of consumers; indeed there is a very strong case to be made out for having adequate laws so that there is equality in the market place with respect to the sale and purchase of the family home and the land on which that home is built.

The consumer protection laws embodied in the Land and Business Agents Act have been widely accepted and appreciated by a generation of home buyers. It is distressing not only to the Opposition, but to many people in the community, to see slow but determined progress by the Government in diminishing these consumer rights. This Bill indeed goes that little step further in doing just that. First, there is an attempt in the Bill to diminish existing standards of the land agent profession, which is something the Opposition deeply regrets. I would suggest there are arguments that will flow from the passage of this Bill if it is passed in its present form for a re-entry of lawyers into an area traditionally in this State the preserve of land agents, and I refer to the preparation of many documents, particularly leases, for transactions dealing with the use of property.

If there is a spate of actions before the courts and complaints about unqualified persons dealing in and managing leasehold interests, the Government must accept the blame for that. In my view it would not be in the interests of the community if such work became once again the sole preserve of lawyers, because this would mean a greater cost being passed on to the consumer just by the very structure of legal practice, not only in this State; it is evident right throughout Australia, particularly in States where work is conducted by lawyers.

It is possible to train lay people to do this and that has been done pursuant to the provisions of the Land and Business Agents Act, but here there is an attempt to diminish those existing standards and to allow untrained people to conduct a very large sector, I would suggest, of work previously done by qualified persons. Further, under the provisions of this legislation, unqualified persons may become directors of companies conducting land agents businesses. Previously those directors had to be properly qualified and holders of an appropriate licence and be subject to the ethics and provisions contained in the Land and Business Agents Act.

Thirdly, there has been an attempt to restrict those persons who can enjoy the benefits of what are known as section 90 statements, that is, the provision of what I would regard as essential information that should be in the hands of a purchaser prior to purchasing a property by private treaty or at auction.

Fortunately, in a small way some changes in another place have been accepted by the Government in this regard. The Land Agents Board is reconstituted under this Bill and once again the interests of consumers are downgraded by the reconstitution of the board. In this way honourable members can see that slowly, and in what may appear small ways, the rights of consumers are being denuded and there is now becoming clearly evident a bias by this Government towards a group of people in society, namely, property owners and, more particularly, land agents and a group of land agents who conduct certain types of business.

I would not imagine that the land agency profession, as a whole, would welcome some of these amendments. It has been my experience that there has been in the last decade much professionalism developed amongst land agents. There has been much internal discipline, training, and external training conducted through the Department of Further Education in this area. There is much less suspicion in the community about the profession and there have been fewer complaints than before the introduction of the land and business agents legislation in the early 1970s.

It is sad to see some of those now long established and widely established rights being diminished. There is one area of particular concern to the Opposition, which is the interpretation of 'salesman' included in the Bill. Pursuant to this measure it would not include a person who acts only in relation to a leasehold, other than a leasehold in respect of land to be used for the purposes of a business.

This includes the vast area of residential tenancies, which has been the subject of other legislation by this Government to alter the protections provided under that Act. This Bill dovetails in with it and adds to the concern of the Opposition with respect to the *bona fides* of the Government towards the protection of tenants in our community. They are a most vulnerable group, and I am sure anyone would find difficulty in arguing against the need for them to be placed by law in an equal position when establishing their rights to maintain a tenancy situation in what is a basic right for people, that is, adequate, proper and safe housing.

I would have thought that to allow that area of work to be undertaken by unqualified people was an indictment of the Government. If, as has been suggested in other debates, we are now able to have one licensed person with 30, 40 or 50 unqualified persons on his staff conducting the management of leasehold residential properties—I assume that other properties fall within the ambit of leasehold properties, particularly in rural areas—then we are running grave risks in the interests of those for whom we have a special responsibility at this level of government.

The Minister in another place has argued that the course of study provided for land salesmen does not accommodate this area. That seems to be a rather farcical and a convoluted argument. The most appropriate way to remedy that situation is to alter the curriculum of that course to include this most important area, rather than changing the law to take these people, who the Minister says are not being properly trained, away from the provisions contained in the Land and Business Agents Act.

The conclusion reached in this matter is that the rights of consumers have been downgraded against the rights of those who will benefit from such a change in the law. There can be no doubt that there has been an extension of the law with respect to residential tenancies and leasehold arrangements in that area in particular, and the complaint of many qualified land agents and salesmen at the time of the introduction of that law, and subsequently, has been

the complexity of the law, the number of forms that have to be filled out, and the procedures that must be followed, in order to sort out the respective problems that arise in a landlord-tenant situation. I would have thought that that in itself was justification for including this matter in an appropriate course of study and maintaining the need for qualified and licensed personnel to conduct this area of land agency business.

The legal arrangements that now exist with respect to residential tenancies have also been widely acclaimed in the community. There are now tens of thousands of people who look to the law in this area for protection of their rights, not just tenants but also landlords. This will be a growing area of importance as we encounter basic problems in the provision of home ownership in our community as so many more people enter into tenancy agreements or leaseholds. They will be looking to personnel in land agents' businesses to bring about that situation.

In the debate in another place the Minister referred to the philosophy of the Government to eliminate red tape and unnecessary licensing from as many areas of Government activity as possible. This is one area where it is not appropriate, because we are placing at risk an important category of consumers in our own society. I suggest that this is not simply a matter of removing red tape at all. I am alarmed that untrained persons could be writing and advising on substantial contracts. These are often matters that fall into a specialist area of the practice of the law. Many residential tenancy contracts involve thousands of dollars, which often amounts to a substantial portion of the income of those people entering into such arrangements. To have that negotiated in such a way, albeit under supervision, is, as I have already told the House, involving risks associated with supervision by a licensed person in these circumstances. The alternative is that, where there is a breakdown in these agreements, where they are not drawn properly, where they are ambiguous, or where other problems arise, then litigation proceeds and the matter goes to court. That is a most unsatisfactory and expensive way of overcoming such problems and militates against the poor in our community, against those who cannot afford to pursue their legal rights. It leaves much at risk and, as I have said earlier, those are the people about whom we have often said in this place that we have a special responsibility.

I imagine that one of the arguments that has been put to the Government to change the law in this area is that there will be a reduction in overheads and in payments to staff because, pursuant to the Land and Business Agents Act, a land salesmen would receive a greater income than a non-qualified person. No mention has been made of that saving to land agents by the ability to employ unqualified staff in this area, that saving being passed on to consumers. If that were the case (and that would be clearly shown) some argument could be made for it in limited circumstances. But that has not been an argument advanced by the Government. In all the circumstances, the Opposition finds that provision unacceptable. In many other clauses in this Bill there is a diminution of the status and rights of consumers in South Australia.

The Hon. JENNIFER ADAMSON (Minister of Health): I reject the suggestion throughout the speech of the member for Norwood that this Bill is diminishing consumer rights and/or the standards of the real estate profession. There would be few organisations which guard their reputation as jealously as does the Real Estate Institute of South Australia. Yet, the institute supports the provisions of this Bill, which is principally a technical Bill. It does not in any way diminish the standards of consumer protection which have previously existed. Rather, it clarifies the law; it simplifies the law and, in many respects, it reaffirms or extends protection to the consumer. The assertion that the status of the Land Agents Board is somehow or other downgraded by placing on it an additional two consumer representatives is a hard one to understand and seems to have no logic in it whatsoever. There are several clauses, notably, clauses 4, 21, 23, 24 and 25 which, in fact, reaffirm and extend protection to the consumers. Listening to the member for Norwood, one is strongly of the view that his propensity for regulation would make life more difficult for consumers because, as he would well know, the simpler the law the more readily it can be understood and invariably the more speedily it can be implemented.

The question of employees involved in letting requiring to be registered as salesmen must be dealt with. At the moment employees involved in letting are involved in letting only. Those who do not sell hardly need qualifications as salesmen. With the advent of the Residential Tenancies Act, more and more agents are concentrating solely or extensively on letting or management of residential tenancies. It is foolish and wasteful to have people over-qualified for a job that has defined limits. As was acknowledged, the Real Estate Institute has set up an 11-week course for people wishing to practise solely as letting officers, and the Government regards that as being sufficient protection for consumers. I understand that the Opposition supports the Bill, and I believe that the criticisms made by the member for Norwood are simply not justified.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr CRAFTER: The Opposition opposes this clause for the reasons I outlined in my second reading speech. I have listened carefully to what the Minister has said in rebuttal but I do not believe that that in any way justifies the substantial change that this clause brings about.

The Committee divided on the clause:

Ayes (19)—Mrs Adamson (teller), Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, and Wilson.

Noes (16)—Messrs Abbott, L. M. F. Arnold, Bannon, M. F. Brown, Crafter (teller), Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Plunkett, Slater, Trainer, and Wright.

Pairs—Ayes—Messrs Goldsworthy, Tonkin, and Wotton. Noes—Messrs Corcoran, O'Neill, and Payne.

Majority of 3 for the Ayes.

Clause thus passed.

The Hon. JENNIFER ADAMSON (Minister of Health): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

Clause 4—'Constitution of board.'

Mr CRAFTER: I was interested to hear the Minister explain to the Committee that the consumer representation on the board will be increased by two. My understanding is that the potential for consumer representation has been substantially decreased. The present board is constituted of one person representing the Real Estate Institute of South Australia and three members who are appointed by the Minister, one of whom should be a lawyer. In this case, there is a proposal that the Chairman shall be a legal practitioner, two members will be appointed by the Real Estate Institute, and two members shall be appointed by the Minister, none of whom may be a consumer, because they are members of the public involved in real estate

transactions. That certainly does not limit the Government to appointing consumers.

The Hon. JENNIFER ADAMSON: I believe I said that the consumer representation has been increased by two, but I should have said that it has been increased to two, which explains the point made by the honourable member.

Clause passed.

Clauses 5 to 22 passed.

Clause 23—'Sale of small businesses.'

Mr CRAFTER: The Opposition is most concerned that protections provided in the Land and Business Agents Act be made available to as representative a group of small business people as possible. They suffer from the same inequalities in the market place as do purchasers of residential properties, and there is no reason why they should be limited. A sum of $70 000 is a more realistic sum, although of course it is an arbitrary sum, than that contained in the Bill as it was presented in the other place in its original form. I reiterate the Opposition's concern that the small business sector be given protection wherever possible under our consumer protection laws.

Clause passed.

Clause 24—'Prohibition of auction sales on Sundays.'

Mr CRAFTER: I would be interested to hear from the Minister why the Government has seen fit to reimpose restrictions on the conducting of auctions of land or businesses on a Sunday, as this was one of the Government's much vaunted deregulation exercises in abolishing laws surrounding auctions.

The Hon. JENNIFER ADAMSON: I am advised that the industry supports the continuation of this prohibition. It is not intended to extend to inspections, as that would hamper the public's opportunity to inspect houses on a Sunday, particularly in outlying areas when Sunday may be the only available day. The industry at large believes that Sunday should be exempt from auctions. For that reason, the prohibition is to be maintained.

Clause passed.

Remaining clauses (25 and 26) and title passed.

Bill read a third time and passed.

COMPANIES (ADMINISTRATION) BILL

Received from the Legislative Council and read a first time.

COMPANIES (APPLICATION OF LAWS) BILL

Received from the Legislative Council and read a first time.

COMPANIES (CONSEQUENTIAL AMENDMENTS) BILL

Received from the Legislative Council and read a first time.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

NAPPERBY STOCK RESERVE

Adjourned debate on the motion of the Minister of Lands:

That the reserve for camping ground for travelling stock, section 345, hundred of Napperby, as shown on the plan laid before Parliament on 25 November 1980, be resumed in terms of section 136 of the Pastoral Act, 1936-1977: and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 11 February. Page 2801.)

The Hon. D. J. HOPGOOD (Baudin): Last Thursday, the Minister and I conferred to create a record for the passage of a Bill through this House in one minute and 40 seconds. However, this is big stuff. Certain substantial issues of principle must be addressed in the motion before us, so I am afraid it will be necessary for me to detain the House for at least three minutes.

The Opposition supports the motion. It would appear to legitimise a practice which has occurred for some time and which has been carried out in good faith, and it also opens the way for the local government authority to carry out proper environmental measures for the control of the area, all of which has our fullest support. I just wonder, however, whether we are not being asked to address ourselves to an anachronism and whether what we have before us, once the motion has been carried, should not be subject to the Government's much vaunted deregulation policy.

First, I wonder why section 136 of the Pastoral Act really need any longer be relevant to the matter before us, and why, in fact, this sort of matter must be referred to both Houses of the Parliament. But even more fundamentally, I wonder whether the whole concept of travelling stock reserves is really any longer necessary, certainly in an area such as the hundred of Napperby, which of course is part of the agricultural rather than the pastoral area of the State, and where one would have thought that stock transport is motorised and has been for a long time rather than our being back in the days of drovers and bullockies and what have you.

I first started reading *Hansard* regularly in the mid 1960s and was rather bemused, as a city boy, to see from time to time references to travelling stock reserves, the hundred of Galloway, or wherever else it happened to be. It had occurred to me some time ago that we had not had too many of these motions in and perhaps some deregulating had occurred on the part of the Government of which I was a member, and this sort of thing was no longer necessary. I find I was wrong in that assumption and in fact it is still necessary to go through this process.

I urge upon the Government that it look closely at this. Maybe it is in line with the Camels Protection Act, as one of those measures that should have been off the Statute Book for a long time. With those few observations, the Opposition supports the motion.

Motion carried.

ADJOURNMENT

At 6.12 p.m. the House adjourned until Tuesday 23 February at 2 p.m.