LEGISLATIVE COUNCIL

Thursday 5 March 1981

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

PETITION: RIVERLAND CANNERY

The Hon. C. J. SUMNER presented a petition signed by six residents of South Australia, concerning the continuing operation of the Riverland Fruit Products Cannery and praying that the Council would institute a comprehensive public inquiry into the affairs of the cannery so that all those concerned in its future could put a point of view about its past and future operations.

Petition received and read.

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

Pursuant to Statute—

South Australian Superannuation Board—Report, 1979-80.

MINISTERIAL STATEMENT: GRAPEGROWERS' MEETING

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement on the subject of a grapegrowers' protest meeting.

Leave granted.

The Hon. J. C. BURDETT: In this Council on 19 February 1981 and 3 March 1981, in response to questions from the Hon. B. A. Chatterton, I indicated that I had not received an invitation to attend a meeting of Barossa Valley grapegrowers at Tanunda on 10 February 1981. On checking the facts, I now find that I did receive such an invitation, which I declined by letter dated 3 February 1981. I apologise for providing that incorrect information to this Council. Members of the Council may be interested to know that arrangements have now been made for the Deputy Premier, the Minister of Agriculture and me to meet a deputation of these grapegrowers on 28 May 1981, after the end of the current vintage, when it is convenient for the growers to get away from their properties.

MINISTERIAL STATEMENT: I.M.V.S.

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: On 21 October last, my colleague the Minister of Health announced in Parliament that an inquiry was to be carried out into the use of laboratory and experimental animals at the Institue of Medical and Veterinary Science. This followed allegations in Parliament and the press of inadequate procedures for the use of laboratory and experimental animals at the institute.

Professor Bede Morris, an eminent and highly respected scientist who is Professor of Immunology at the John Curtin School of Medical Research, Australian National University, was appointed to conduct the inquiry, with terms of reference as follows:

1. To inquire into the use of laboratory and experimental animals at the Institute of Medical and Veterinary Science and to report and make recommendations to the Minister of Health regarding—
   (*a*) the adequacy of existing procedures to safeguard the health and well-being of laboratory and experimental animals and what changes, if any, are necessary;
   (*b*) the suitability of the present Animal Ethics Committee structure, operation, methods of monitoring and enforcement of decisions and any changes necessary;
   (*c*) the staffing and administrative arrangements necessary to ensure that proper procedures are followed in respect of laboratory and experimental animals.
2. To advise the Minister on the application of recommendations in respect of the foregoing to other institutions administered under the Health portfolio.

Professor Morris has completed his inquiry and presented his report, which I now table. In line with the terms of reference, Professor Morris comments on the situation at the Institute of Medical and Veterinary Science, both past and present. The report is critical of past practice at the institute and of "outside" users of the institute's facilities, but, in the main, commends present facilities and procedures. It calls for increased veterinary oversight of experiments and inclusion of lay persons, with an interest in the welfare of animals, on the Animal Ethics Committees of all health units.

Specifically on the matter of past and present practice, Professor Morris concludes that the standard of animal care now established at the institute is of a high order, probably as high as any research or diagnostic institute in Australia. At the same time, however, he believes that there is no doubt that unsatisfactory incidents occurred with experimental animals at the institute prior to 1978, and it was these incidents which gave rise to criticism in Parliament and in the press. To use Professor Morris's words:

> There are no satisfactory excuses for the circumstances that were allowed to develop in the institute over a period of several years prior to 1978. The administration of the operating theatres and the supervision of the post-operative care of animals were just not good enough.

While, on the one hand, it is pleasing to note that the institute is now ranked as having a high standard of animal care, indeed, a standard comparable with any similar institution in this country, nevertheless, one cannot overlook the miserable state of affairs which was allowed to exist prior to 1978. I believe that responsibility for those unsatisfactory methods of dealing with experimental animals during that period must be shared both by the council which administered the institute at that time and by the Government of the day which had responsibility for the institute.

In relation to the second term of reference, Professor Morris identifies severe deficiencies in the animal accommodation at the Adelaide Children's Hospital. Again, the responsible bodies, that is, the Board of Management of the Adelaide Children's Hospital, and the University of Adelaide, need to recognise and deal with these severe deficiencies in the animal accommodation and in the supervision of animals which is undertaken jointly at the hospital by the University of Adelaide and the Adelaide Children's Hospital.

Also, in relation to the second term of reference, the report commends attitudes and facilities at the Queen Elizabeth Hospital, and makes recommendations to enhance the value of the Animal Ethics Committee, or

Animal House Committee, as it is currently known.

The report commends facilities at Flinders Medical Centre and the booklet prepared by the centre detailing guidelines for use of animals at the centre. It is critical, however, of scientists who use increasing quantities of animals and then use overcrowding as a justification for increased expenditure on animal house facilities.

The report makes a number of recommendations aimed at safeguarding the welfare of animals through the provision of adequate accommodation, facilities and procedures and through legislation. My colleague intends to take action in regard to Professor Morris's recommendations as follows:

Animal Ethics Committees:

The Animal Ethics Committee structure of the Institute of Medical and Veterinary Science and other institutions under the health portfolio will be immediately reviewed and upgraded as suggested by Professor Morris.

It will be made abundantly clear to all users of experimental animals, particularly to surgeons who have access to the facilities of these institutions, that the responsibility for the care of animals undergoing experimentation, from the outset to the termination of the experiment, lies with the research worker. As Professor Morris states, the best approach is to establish proper attitudes in scientists towards the welfare of animals. Scientists and surgeons must accept responsibility for the effects of their experiments on the animal subjects. There should be no question of their abrogating this responsibility to someone else.

Accommodation:

Urgent action will be taken to overcome serious deficiencies in current accommodation. This may require a restriction on the animals to be held at some institutions and arrangements being made for scientific staff to use facilities that are deemed to meet acceptable standards or, alternatively, to curtail activities within their own institutions.

Staffing:

An examination will be carried out immediately by relevant bodies of staffing associated with the supervision, control and care of animals, in terms of classification and numbers.

Legislative Review:

Although Professor Morris has recommended the establishment of a working group to look into the question of the welfare of animals used in research and to make proposals for the legislative control of the supply of experimental animals and their use in the broadest context, my colleague believes it would be appropriate for her to formally refer these questions to the Legislative Review Committee which has already been established under the auspices of the R.S.P.C.A. and which is expected to report to the Chief Secretary later this year. My colleague will also refer to this committee the question of establishing an Advisory Council on the Welfare of Animals to provide the Government with on-going advice in this area.

Because my colleague regards the implementation of the report's recommendations as being of such importance, she has asked Professor Morris whether he will come back to Adelaide towards the end of this year to let her know how the animals in the institutions are getting on.

The Government of South Australia endorses the view that all animals used for experiment should be given the best possible treatment. This report expresses the scientific and human values on man's relationship with animals which ought to prevail in a civilised community and which, I believe, are endorsed by the majority of South Australians. I believe we are all indebted to Professor Morris for the manner in which he has approached this extremely important and sensitive issue. I commend the report to the Council and express the hope that it will be widely read.

QUESTIONS

NATIONAL PARKS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question regarding the National Parks and Wildlife Service.

Leave granted.

The Hon. J. R. CORNWALL: Recently, a 72-page document was completed by a team of senior officers in the National Parks and Wildlife Service. Headed "Future Direction for the National Parks and Wildlife Service", the document shows quite starkly how deep the crisis in the National Parks and Wildlife Service has become following further cuts in its budget. It presents an analysis prepared by senior staff, including the Director, Mr. Neville Gare, and the Superintendent of Field Operations, Mr. Nicholas Newland. Other authors include Mr. David Mitchell, and a former Police Superintendent, Mr. Stephen Tobin, who is now in charge of what one might laughingly call the Wildlife Inspection Service. The document details the services that will have to be cut completely in order to work within the present budget. In fact, it presents what has been referred to as a basic survival strategy.

During 1980, more than 10 vacant park ranger positions were not filled because of budget cuts. Under the report's proposals, some parks will continue to be maintained by a skeleton staff of rangers. Many will not be manned at all. Visitor services, including interpretation and extension work, will be dropped. It has become necessary to take all development money from non-metropolitan parks. This means, for example, that there is not even enough money to buy fence posts in areas such as Kangaroo Island. Field staff have been forced to work staggering overtime to overcome staff shortages.

Late last year the staff shortage was so acute that office staff from the division's headquarters on Greenhill Road were used to burn firebreaks at Cleland Conservation Park. I understand that the Director, Mr. Neville Gare, who was seconded from the Australian National Parks and Wildlife Service, is so disenchanted about what is going on that he will not renew his contract when it expires on 30 June. This would be bad enough if the public knew what was going on, but all of these actions were taken by stealth by the Minister, Mr. Wotton, and this Government.

The Hon. Anne Levy: Open government!

The Hon. J. R. CORNWALL: Open government, indeed.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: It is time for the Government to come clean and tell the people of South Australia just what the Government's budget cuts mean to the National Parks and Wildlife Service. What is the present staff level of the National Parks and Wildlife Service? How many parks and reserves does the National Parks and Wildlife Service have under its control at present? Is it proposed to increase National Parks and Wildlife Service staff levels? How many staff members are based at the Adelaide headquarters and, more importantly how many are based in the field? What regional offices have been opened? What staff man these offices? Is it

planned to open further regional offices? How many staff carry out law enforcement duties, and will the number be increased? How long is it since a survey was done of offshore parks in South Australia? How often do rangers get to adequately patrol areas such as the Flinders and Gammon National Parks, the Elliott Price Conservation Park, and the Unnamed Conservation Park?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague in another place and bring down a reply.

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about the Fox Report.

Leave granted.

The Hon. J. R. CORNWALL: I should make clear from the outset that the report to which I am referring is a report prepared by Mr. Alan M. Fox of the Australian National Parks and Wildlife Service. The report, which is dated December 1980, is a large report of more than 100 pages and is entitled, "Creating a more effective public relationship". I understand that the report is very interesting and should be available for wide public circulation. It enumerates, for example, the priorities that the Minister and the service should have in providing services to the community.

The report makes very clear that to get community support for a park service you must take the public into your confidence and tell them what is happening. I understand that it makes many recommendations about negative aspects of the National Parks and Wildlife Act. It also makes recommendations about priority parks adjacent to the metropolitan area which should be used as a shop window for education, interpretation and extension of services. It goes into some detail about extending interpretation services and makes clear that there are unique areas in South Australia which are not only not publicised interstate or abroad but are not even known to the great majority of South Australians.

It talks, for example, about two programmes conducted by the service that are in world class. These are the Betton (or rat kangaroo) Breeding Programme at Cleland and the Wetland Habitat Improvement Programme at Tolderol, Bool Lagoon. They are just two examples. The report gives details of a survey that was done at the Belair recreation park, and there were some quite astonishing results to come out of that. Virtually no-one knew that that park was conducted by the service. So bad is the public relations and education programme of the service that more than 90 per cent of the interviewees thought that Belair recreation park was run by Mitcham council.

The report makes a strong suggestion that Cleland, Belair and Para Wirra should be amalgamated as the Mount Lofty National Park. It makes further recommendations that Belair and Cleland ought to be closed for at least one or two days a week so that adequate maintenance can be done, particularly within the constraints of existing staff levels. I might say that this report now seems to have been locked up. All sorts of extraordinary precautions have been taken to make sure that the public and the media do not have access to it, and that seems quite extraordinary, because the report is entitled "Creating a more effective public relationship", yet it is kept under lock and key. A limited number of copies have been printed and every one of them is numbered. Look out, paranoia is abroad; make sure no-one gets to know! As part of the public education programme and in the public interest—

Members interjecting:

The PRESIDENT: Order! I remind the Hon. Dr. Cornwall, who is conversant with the report, that he ought to ask his question about it.

The Hon. J. R. CORNWALL: I was about to do so, but I am amazed by some of the comments of members opposite. When we were in Government the department leaked like a sieve. Mr. Wotton had it plumbed—it was the greatest plumbing operation since Watergate. I had a great deal of difficulty obtaining information, which is why I am about to ask this question. As part of a public education programme and in the public interest, will the Minister release the report for public circulation?

The Hon. J. C. BURDETT: When the honourable member embarked upon his explanation, he talked about the Fox Report, and I thought that he might be making another excursion into the issue of uranium—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The honourable member has been talking about the uranium issue quite a lot recently, and I suspect it is to the embarrassment of his colleagues.

The Hon. C. J. Sumner: What's this got to do with the question? He's abusing Standing Orders, Mr. President.

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

Members interjecting:

The PRESIDENT: Order! You are all abusing Standing Orders, and I intend to take fairly swift action today. I make that point because we are all starting to get tired and itchy, and we do not need to be provoked to a great extent.

DR. PETER DAVIS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of the Environment, a question about Dr. Peter Davis.

The Hon. C. M. Hill: What else have you stolen?

The Hon. ANNE LEVY: On a point of order, I ask the Minister to withdraw that comment, as it is a reflection on all members on this side of the Council.

Members interjecting:

The PRESIDENT: Order! If the Hon. Mr. Blevins and other honourable members interjecting do not play the game, I will name them. The Hon. Miss Levy is asking for an apology.

The Hon. ANNE LEVY: I ask for an apology and a withdrawal from the Hon. Mr. Hill, who impugned all members on this side of the Council.

Members interjecting:

The PRESIDENT: Order! The Minister has been asked to withdraw the remark, which I am sorry I did not hear.

The Hon. C. M. HILL: My interjection was directed to the Hon. Mr. Cornwall who, I understand, has been quoting from two stolen documents already, and he is about to quote from a third. I simply asked him the question, "What else have you stolen?"

The PRESIDENT: The Minister, I believe, has made a reasonable explanation.

The Hon. N. K. FOSTER: I take a point of order. If he said we were all thieves in this place, a remark made by someone on this side yesterday that members opposite are hypocrites had to be withdrawn. The Hon. Mr. Hill ought to be man enough to withdraw now without being asked. If he will not, that is all right by me: I will start a bit of muck-raking in future.

The Hon. J. R. CORNWALL: I must say that I am amazed at the Minister's response. I am not talking about

ASIO documents, Pine Gap, or Treasury documents. I am talking about matters that the Opposition and the public of South Australia have every right to know about. National security is not at stake because the Government is running down the National Parks and Wildlife Service. If it is doing it as a matter of policy and so-called small-government routine, I have a duty to bring the matter to the people's notice.

I refer now to Dr. Peter Davis, and I am not using any stolen documents to do so. It has come to my attention, without leaks or anything else—I have a few contacts around this town; I am not a boy: I have been around for a year or two—that one conservationist, who has not been able to stomach any more what is going on in the Department for the Environment under the present Minister, is Dr. Davis. Dr. Davis is well known as probably the outstanding expert in Australia on the Murray River.

He is very eminent in his field, and the position has been reached where he could not, in conscience, have anything more to do with the department. I understand that he has decided to stand down from the Government's Reserves Advisory Committee, and that his reason is that the committee just was not getting anywhere. Will the Minister confirm that Dr. Davis has resigned from the Reserves Advisory Committee in the department, and will he tell the Council the reasons given by Dr. Davis for his resignation?

The Hon. J. C. BURDETT: I will refer the question to my colleague the Minister of Environment and bring back a reply.

CRASH REPAIR INDUSTRY

The Hon. C. J. SUMNER: I seek leave to make a statement prior to directing a question to the Hon. Mr. Hill, as a member of the Government, on the matter of the crash repair industry.

Leave granted.

The Hon. C. J. SUMNER: My question is directed to the Hon. Mr. Hill who, in the last Parliament, during the term of the Labor Government, I believe was a member of the Select Committee on the crash repair industry and who now, as a member of the Government, may or may not have some responsibility in this area. I see that the Hon. Mr. Hill is now getting his instructions from the Hon. Mr. Burdett, who was also on that committee and who too was also loud about his responsibilities and promises.

Members will recall that, while that issue was before the Parliament and the Select Committee, certain tow-truck operators took objection to the legislation, and they were encouraged in this by some Liberal members of Parliament, particularly the present Minister of Agriculture, Mr. Chapman. During the election campaign in 1979, considerable support was given by this group to the Liberal Party. However, the official Liberal line, as far as I can ascertain, was to support the legislation and, indeed, a clear promise was made. The Hon. Mr. Burdett shakes his head. Is he saying that it was not Liberal Party policy to introduce the legislation?

The PRESIDENT: I understand that your question is directed to the Hon. Mr. Hill.

The Hon. C. J. SUMNER: The official Liberal line was to support the legislation. A clear promise was made by the Liberal Party to introduce legislation on this topic if elected to Government. I refer to a letter that the then Leader of the Opposition wrote to Mr. Roger Bennett, Executive Director of the South Australian Automobile Chamber of Commerce.

The Hon. K. T. Griffin: He's not the Executive Director now, though, is he?

The Hon. C. J. SUMNER: No. Does that mean that the Attorney, because of the promise made to the former Executive Director of the South Australian Automobile Chamber of Commerce, is not going to abide by the promise made by the Premier in that letter? That is a curious attitude even for this Government to take. This letter dealt with a number of topics on the election and, in particular, dealt with legislation on the crash repair industry, particularly the tow-truck sector. In the letter, dated 10 September 1979, a few days before the election, the present Premier said:

> I acknowledge that control is needed in the general crash repair industry, particularly in regard to the tow-truck sector.

Later in the letter he said:

> The calling of an early election obviously curtailed the work of the Select Committee. However, while no disclosure of evidence is possible, it is my understanding that the Liberal members of the committee and Liberal Legislative Councillors—

that is, the Hon. Mr. Burdett, the Hon. Mr. Hill, and, I believe, the Hon. Mr. Cameron—

> are prepared to support the Bill, subject to some amendments, many of them technical. It will be my intention, as Liberal Premier, to introduce a Bill to cover the question, and to this end work has already started on the drafting of the Bill, which I am sure will be acceptable to members of your Chamber.

On 10 September 1979 the then Leader of the Opposition had started work on the drafting of a Bill. Now, nearly 18 months after the election, nothing has been done. I understand that the Government has once again changed its policy in yet another area and that, despite these undertakings, nothing will be done. I ask the Minister whether the Government intends to introduce legislation to regulate the general crash repair industry, particularly the tow-truck sector, and, if not, why the Government has repudiated its pre-election promise.

The Hon. C. M. HILL: The Leader really should have directed this question to the Minister who represents the Minister of Transport. The question will have to be passed on to that Minister. However, I want to stress the point that it is true that the Minister of Transport has this whole matter in hand, and the Government intends to take action. It has not been possible, in 18 months, for the Government to fulfil all its promises.

The Hon. C. J. Sumner: You had a Bill under way.

The Hon. C. M. HILL: It does not matter whether we had a Bill under way. The Leader need not be jumping up and down, thinking that action is not going to be taken by the Government in this matter. Action will be taken during the term of office of this Government, but the Leader should not get so upset when we find it difficult to do, in the relatively short time that we have been in Government, everything we said we would do.

The Hon. C. J. Sumner: Are you going to honour the promise?

The Hon. C. M. HILL: We are going to honour the promise of introducing legislation.

PUBLIC FINANCE BILL

The Hon. FRANK BLEVINS: On behalf of the Hon. Mr. Chatterton, I believe that the Attorney-General has a reply to a question my colleague asked during the debate on the Public Finance Bill.

The Hon. K. T. GRIFFIN: I had the reply to that question with me yesterday. It is not with me today but, if

the Hon. Mr. Chatterton had asked for it yesterday, he would have received it. It will now have to be deferred until June.

PRAWN PROCESSORS

The Hon. FRANK BLEVINS: Has the Minister of Local Government an answer to the Hon. Mr. Chatterton's question of 19 February on prawn processors?

The Hon. C. M. HILL: The question of processors operating prawn vessels is contained in the wider subject of the corporate operation of fishing licences. This is still under discussion with industry.

BLOOD-LEAD LEVELS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on blood-lead levels.

Leave granted.

The Hon. ANNE LEVY: I was concerned to hear that a factory in one of our suburbs has no fewer than four workers who have recently been found to have blood-lead levels well in excess of the maximum permitted level. The maximum permitted level for ordinary members of the public is 1·8 micromoles per 100 millilitres of blood. For people who work in the lead industry the maximum permitted level is virtually twice that, that is, 3·4 micromoles per 100 millilitres of blood. At least one of the cases I have referred to has a blood-lead level which is twice the maximum permitted level for workers in the industry. I can provide the name of the factory if the Minister wishes. This factory extracts lead from old batteries using a procedure which apparently results in a great deal of lead oxide dust being present in the air. This dust is deposited on clothes, on the floor and on everything in the vicinity of the machines.

The Health Commission is aware of the very high blood-lead levels of at least one of the employees concerned and it inspected the factory about a month ago. Indeed, the medical officer concerned was kind enough to furnish me with a copy of his preliminary report on the matter. Further discussions that I have had with other people have led me to feel concerned about the conditions that still persist at the factory. I would like an assurance that the Health Commission is vigorously pursuing the matter and insisting on all proper precautions being taken.

Can the Minister assure me that all the regulations regarding lead in the Industrial Safety, Health and Welfare Act Regulations are being insisted upon? I refer to the daily cleaning of the floor with water, an effective and adequate exhaust ventilation system which ensures that the dust concentration in the air falls below the maximum permitted level, and the provision of overalls and water-proof aprons for all workers. The overalls must be laundered at least weekly by the employer. Further, there should be proper showering facilities, change rooms and separate eating facilities for employees. It has been suggested to me that proper overalls have not been supplied by the employer and that morning tea has been taken to the workers in the lead area rather than have them wash their hands and have their tea in a lead-free environment elsewhere, as insisted upon in the regulations.

Can the Minister also give consideration to seeing that all employees in the factory have their blood-lead levels tested—not only those employees working on the actual machine, as the dust level is apparently high throughout the factory? Can she also get an assurance that no employee with a high blood-lead level will be sacked as a result of the tests?

The Hon. N. K. Foster: Or denied compensation.

The Hon. ANNE LEVY: Yes, or denied compensation. Further, can the Minister get an assurance that due allowance is made by the employer for any irritability amongst employees, as this is one of the symptoms and consequences of lead poisoning?

Members interjecting:

The Hon. N. K. Foster: It is not a laughing matter, Mr. Attorney. It is very serious.

The PRESIDENT: Order!

The Hon. ANNE LEVY: Can she also ensure that the Health Commission gives adequate advice and information to all employees as well as to the employer, as rumours and possible misinformation are otherwise likely to flourish throughout the work place? I would be very grateful if the Minister could inform me when the situation at the factory has been checked as being quite satisfactory. I suggest that she could do this by letter during the break before Parliament reassembles, as I trust that matters will be fully rectified long before 2 June.

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague the Minister of Health and bring back a reply.

LEGAL AID

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Attorney-General a question on legal aid.

Leave granted.

The Hon. C. J. SUMNER: I realise that the question of the Legal Services Commission and the amount of funding available to it has been raised in this Council and publicly on a number of occasions. However, the position does not seem to have altered for the better in recent times. Recently I have received complaints from constituents that, whilst they are eligible for legal aid from the Legal Services Commission, they are being refused assistance because funding is not available. The Legal Services Commission does not have adequate funds to meet the requests even for those people who are eligible under the existing criteria of the commission.

I understand that on 18 February this year the Attorney-General said that he was still considering an application from the Legal Services Commission for more money. The day before, on 17 February, he said that he was treating the matter as one of urgency. It is now over two weeks since those statements were made. The most unsatisfactory situation still exists in the Legal Services Commission, and the Government to my knowledge has not made a decision on the Legal Services Commission's application. Given that the Attorney-General said on 17 February that this was a matter of urgency, when will the Government make its position clear on this matter to the Legal Services Commission and all applicants who are presently being refused assistance?

The Hon. K. T. GRIFFIN: A decision will be made in the near future.

POWER SURGE

The Hon. G. L. BRUCE: I seek leave to make a brief explanation prior to asking the Attorney-General, representing the Minister of Mines and Energy, a question

on a power failure at Fairview Park.

Leave granted.

The Hon. G. L. BRUCE: Last Monday evening I understand that due to the high winds or for some other reason, a tree, 90 feet high and 3 feet thick, on squash court premises in Cotton Street, Fairview Park, fell down across four strands of wire. A write-up in the *News* of Wednesday 4 March stated:

> A row is brewing over responsibility for Monday's power fault which damaged scores of electrical items in about 100 Fairview Park homes.

I was approached by a constituent in that area who said that he was at home at the time. It was not a power failure: a power surge caused all his lights to be blown and affected his television. As he pulled cords out and turned power points off, he managed to save most of his electrical appliances.

I understand that this person has lost fluorescent tubes and globes and that he is experiencing some trouble with his television set. The Electricity Trust checked the houses in the area and made sure that power was restored on a proper basis. Having approached ETSA, this gentleman was told that it involved an act of God and that the trust would not be responsible for anything that had happened. I understand also that the insurance companies have taken the same view, and that they will pay out on a fusion policy only. This means that, if one had a refrigerator or motor that was covered by a fusion policy, it, and nothing else, would be covered.

I have been told by the Electricity Trust that it is not accepting any liability for this occurrence at this stage. I understand that a report has been prepared and that it will be presented to the Minister. I telephoned the Ombudsman to ascertain whether the person involved would have a claim, and the Ombudsman was of the opinion that, in the circumstances, it would be an act of God in relation not only to the trust but also to the insurance company, and that possibly they would not have to meet their obligations. In fact, the person would have redress only if the tree had been placed in a dangerous position and there was negligence on the part of the owners of the squash court premises in that respect. In that event, a claim could possibly be proceeded with.

A number of houses in the area have suffered damage. I understand from a person at ETSA that a $1 300 video cassette recorder was completely destroyed as a result of the failure. The trust is aware of the matter and, indeed, has a list of the claims that have been made. However, this is not helping the people who have been affected, and it is of great concern to them that some relief should be forthcoming.

Will the Minister, because of the unusual circumstances of the failure, take up the matter with ETSA as a matter of urgency to see whether relief of some sort can be forthcoming to these people who, through no fault of their own, find themselves in this most invidious position?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Mines and Energy and bring back a reply.

SCHOOL ASSISTANTS

The Hon. J. E. DUNFORD: Has the Minister of Local Government, representing the Minister of Education, a reply to the question I asked on 25 February regarding school assistants?

The Hon. C. M. HILL: The honourable member's concern that school assistants should be properly informed of their rights and responsibilities is appreciated and indeed is shared by the Minister of Education. It would appear, however, that the honourable member considers that school assistants are persons to whom section 147 *(b)* of the Industrial Conciliation and Arbitration Act applies and that in that case it may not necessarily be that they would be acting illegally if they took part in a school strike. The situation in fact is that school assistants are persons to whom section 147 *(a)* of the Act applies, that is, they are employees of a prescribed employer. To clarify the position it is necessary to look at the definitions appearing in section 6 of the Industrial Conciliation and Arbitration Act.

"Employee" means *(a)* any person employed for remuneration in any capacity. "Public Service employee" means *(a)* any person employed under or subject to the Public Service Act, 1967, as amended; and *(b)* any other person not being a railway employee employed for salary or wages or engaged for remuneration in any capacity in the services of the State. "Employer", *(a)* in relation to Public Service employees, other than railway employees, means the Public Service Board.

School assistants are governed by the definition of "Public Service employee" and are employees of a prescribed employer, namely, the Public Service Board. Section 147 *(a)* of the Industrial Conciliation and Arbitration Act applies in these circumstances, and the wording of section 147 *(b)* becomes irrelevant.

It follows that any strike by school assistants will be an illegal strike. The Director-General of Education was correct in stating in his memorandum to school principals that "school assistants who decide to take strike action must be informed that they will be in breach of section 147 of the South Australian Industrial Conciliation and Arbitration Act".

CHLORINE

The Hon. BARBARA WIESE: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question regarding chlorine.

Leave granted.

The Hon. BARBARA WIESE: Both the Minister of Water Resources and the Minister of Health have been at some pains in recent weeks to argue that the only way to control the pathogenic amoeba which causes meningitis is by chlorination of the water supply. It is understandable that the Minister of Water Resources will keep repeating this as he is no doubt embarrassed over the Government's decision when it took office not to proceed with the filtration of the water supply to the northern towns.

The fact is that the expert committees on whose advice the Ministers claimed they must rely have pointed out that, while it is strictly true that chlorination is the only way to eliminate the risk of amoebic meningitis, it is nevertheless a fact that filtration (by reducing the amount of chlorine required) plays a major role in the control of this deadly disease.

The Government has also tried to imply that the recent measures it has announced to combat meningitis are all that it can do and that the rest is up to individuals. The Minister of Health in particular seems to be preparing the ground for moving the responsibility for community health from the Government to individuals.

However, private swimming pools can be a particular source of danger, and admittedly this is an area in which individuals must take some responsibility. As the Minister of Health pointed out in her press release of 25 February, private pools must be properly chlorinated and maintained. However, over the past few months the price of

chlorine required for this proper maintenance has increased dramatically and a number of pool owners are finding it difficult to ensure that their pools are safe. In fact, I have recently been approached by one such person.

First, is the Minister aware that it is not possible for members of the public to buy chlorine at wholesale prices direct from manufacturers? Secondly, will the Government consider placing chlorine under price control to ensure that its cost is not so prohibitive that pool owners will feel tempted to reduce the levels of chlorination in their pools as a cost-saving measure?

The Hon. J. C. BURDETT: The honourable member referred to the chlorination of northern water supplies. It should be stated once again that there was no reduction in chlorination of the Whyalla water supply. One would not expect that chlorine should be made available to consumers at wholesale prices; I do not see how that could be expected. Of course it would be purchased at retail prices. There is no intention at present of placing chlorine under price control. No evidence has been produced to the department that this should happen.

GAMBLING

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General, representing the gentleman in another place, namely, the Premier, a question regarding gambling.

Leave granted.

The Hon. N. K. FOSTER: It has been brought to my attention that bingo tickets are widely used in the community.

The Hon. J. C. Burdett: You are not allowed to hold that.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I am not producing an exhibit, or, therefore, contravening Standing Orders. The Hon. Mr. Burdett is the greatest of all exhibits in this place. I wish that he would keep quiet for a moment. The bingo tickets are widely used by charitable and sporting organisations, by the Liberal Party, and, indeed, by some Labor Party branches, to raise funds. They are quite widely used.

It has been brought to my attention that these tickets are bought by the sporting and other organisations to which I have referred in blocks of 2 100. There are four $50 prizes, involving $200; four $10 prizes, amounting to $40; four $5 prizes, amounting to $20; 12 prizes of $2 each, amounting to $24; and 200 prizes of 50c each, involving $100; making a total of $384 in prize money.

The total takings from the 2 100 tickets amount to $525 less $384 in prize money, which gives the club or organisation a clear profit of $141. However, if the tickets are put before a strong light, the high prizewinning tickets can be identified and removed, giving the club or organisation a clear profit of $260. If these tickets are put through a projector the high prize-winning tickets can be identified by the ticket sellers. The use of these particular tickets is prevalent among some organisations in Adelaide, which I will not name. I have almost positive proof that these organisations put the tickets through a projector before offering them for sale.

These organisations operate under a licence issued by the Government. That same Government was bending over backwards early this morning to allow private enterprise to flog another gambling system in this State, which would have a high profit motive for one Mr. Murdoch. The action taken to identify the numbers of the tickets was demonstrated to me in this building yesterday. The tickets have a numerical and alphabetical code which is covered by a black strip that must be ripped off by the purchaser. I have several tickets which were used in the demonstration yesterday: the first letter is "G", the second is "N", the third is "B", the fourth is "N" and the last is "I"; the numbers can also be seen, as can the worth of each ticket.

I suggest that this is a game of fraud and not a game of chance. Will the Attorney-General have these tickets immediately withdrawn from sale? I understand that the tickets are printed by a firm in the United States, so it cannot be investigated by this Parliament or by anyone else in this city. I have not approached the Fraud Squad about this matter, because that responsibility lies with the Attorney-General or some other Minister. Will the Attorney-General take this matter up with the Premier with a view to having the tickets withdrawn from sale? Will he investigate the source area where the tickets are printed? Will he ensure that it becomes a game of chance by having a patch placed on the ticket which makes it impossible to discern a prize-winning ticket through the use of a bright electrical light or a projector? Will the Attorney consider giving the Lotteries Commission greater powers in South Australia to see that games such as these are run on a fair and proper basis by groups and organisations that use these tickets as a source of income for legitimate purposes?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to my colleague the Premier and bring down a reply.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That Standing Orders be so far suspended as to enable Question Time to continue until 3.25 p.m.

Motion carried.

SOLDIER SETTLERS

The Hon. FRANK BLEVINS: On behalf of the Hon. Mr. Chatterton, has the Minister of Local Government a reply to a question asked on 19 February about soldier settlers?

The Hon. C. M. HILL: Before replying to the question, it is necessary for me to point out that the soldier settlers who received the letter dated 5 July 1977, referred to by the Hon. Mr. Chatterton, also received letters dated 25 January, 14 February and 9 May 1977, from the Minister of Lands. The purpose of this letter was to give an extension from 30 June to 1 August 1977, to the offers originally made in the letter of 25 January 1977.

(1) A voluntary response to that letter or the letter of 25 January 1977, would have been for a settler to have arranged the sale of the property, livestock and plant to the satisfaction of the Minister of Lands and voluntarily surrendered his war service perpetual lease to the Minister of Lands and arranged for the sale of the livestock and plant, or agreed to the Department of Lands arranging for the sale of the livestock and plant before 1 August 1977.

(2) An involuntary response to that letter brought an adverse action by the Minister of Lands who cancelled and determined six war service perpetual leases on 8 August 1977. In accordance with the three months Notice of Intended Forfeiture issued on 31 March 1977.

(3) One settler made a voluntary response to the letter by successfully negotiating the sale of his property, including livestock and plant. The Minister of Lands' requirements were satisfied, therefore the lease was not cancelled and determined in accordance with the three months Notice Intended Forfeiture issued on 31 March 1977.

All moneys owing to the Crown in respect of this particular war service perpetual lease were repaid in full and the soldier settler concerned has no war service land settlement debt hanging over him.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a quesion I asked on 18 February about corporal punishment?

The Hon. C. M. HILL: Regulation 123 (3) under the Education Act is still in force. The regulation provides that the Minister of Education may determine conditions for the imposition of corporal punishment. Conditions were approved by the Minister of Education in September 1980 but, following widespread requests, were rescinded in October of the same year. Policy on corporal punishment has reverted to what it was before the gazettal of the conditions in September last year. There are no plans at this stage to introduce other conditions on the imposition of corporal punishment.

The imposition of corporal punishment in Government schools is governed in the first instance by regulation 123 (3) which restricts those able to administer corporal punishment to the "principal or head teacher or any teacher to whom either may delegate such authority".

The Education Department has incorporated a policy statement on corporal punishment in its "Administrative Instructions and Guidelines" booklet. The statement offers advice to principals and teachers on various aspects of corporal punishment, including how and when corporal punishment should be administered. The guidelines make principals and teachers aware of their legal position if a blow of unreasonable force is applied. The statement also provides that a school must keep records of the circumstances relating to each case of corporal punishment.

STATE TEASPOONS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about State teaspoons.

Leave granted.

The Hon. ANNE LEVY: The Attorney-General may well laugh about this matter but, although the matter may seem trivial, there are implications which are not humorous and deserve serious consideration. Late last year the Government produced a State tie which it said was to be given to certain people to wear on appropriate occasions to promote South Australia. This tie was given to all male members of Parliament, amongst others. I can see that quite a number of members in this Chamber on both sides are wearing their ties today, no doubt because of the Parliamentary dinner tonight, which would be a most suitable occasion to promote this State by wearing the State tie.

At the time I asked the Attorney-General whether this discrimination would be permitted whereby a State emblem was made available to men only and no South Australian women would be able to be awarded such an emblem or would be able to make use of it. The Government's reply at that time was that there were suggestions that a scarf would be produced to be presented to women to wear on the same appropriate occasions in order to promote the State.

Earlier this week, in response to a question, the Attorney-General informed me that the Government is not producing scarves for women but instead is producing teaspoons with the State badge on them and that these may be given to women on appropriate occasions. I do not know whether these teaspoons have been produced as yet; certainly, I have not received one, nor has the Hon. Miss Wiese, and I have not had an opportunity to ask the Minister of Health whether she has received one, but it seems to me that a teaspoon is hardly the equivalent of a tie.

I fail to see how it can be used to promote the State on suitable occasions. It is not usual for people going to functions to take their teaspoons with them. When I go interstate or overseas I do not expect to take my teaspoon with me, and hung around my neck I think it would look odd. I have no intention of hanging a teaspoon around my neck or pinning it to my lapel.

The Hon. L. H. Davis: It's handy in restaurants.

The Hon. ANNE LEVY: The restaurants that I go to provide teaspoons. I feel that the Government is not honouring its promise of producing an item for women which is appropriate and equivalent to the tie which it has produced for men. I suggest that the State emblem could be made into a brooch which women could wear on occasions that are suitable for men wearing their ties. I ask the Minister whether consideration can be given to producing a brooch for women instead of a teaspoon, which seems to be totally inappropriate in the circumstances.

The Hon. K. T. GRIFFIN: This is an important question, and I will refer it to the Premier and bring down a reply.

HEART OPERATIONS

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare:

1. How many heart by-pass operations have taken place at the Royal Adelaide Hospital in each of the last three years (calendar or financial)?

2. For each year, how many such operations were performed on private patients, and how many on public patients?

3. What is the waiting time for this operation, for public patients, and for private patients?

4. Is the heart condition requiring this operation more likely to occur among the wealthy section of the community?

The Hon. J. C. BURDETT: The replies are as follows:

1. 1978—550, 1979—728, 1980—815.

2. This is a statistic that is not routinely kept. However research for the 1980 calendar year disclosed that the figures were:

Private patients—514 (58 per cent)
Public patients—301

3. This time is identical for both groups of patients and the decision is made solely on medical grounds. The waiting time would vary from one week to six weeks depending on the urgency of the case, with an average of approximately three weeks.

4. There is no evidence to support this hypothesis. It has been shown, however, that the disease is approximately three times more common in the members of the community labelled as a type "A" personality—that is, the striving, achieving and dynamic members of the community.

REPLIES TO QUESTIONS

The Hon. J. R. CORNWALL (on notice) asked the Attorney-General: When does the Minister intend

answering the questions concerning small government and the cost of consultants asked on 21 October 1980?

The Hon. K. T. GRIFFIN: The honourable member is referred to the answers to Questions on Notice Nos. 572 to 584 in the House of Assembly, those answers having been tabled in the House of Assembly on Tuesday 3 March 1981.

SCHOOL DENTAL SERVICE

The Hon. ANNE LEVY (on notice) asked the Attorney-General: When can an answer be expected to the question concerning cost of the school dental service for all primary school children (asked in the debate on the Appropriation Bill (No. 2 of 1980) on 30 October 1980)?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. From the document "Minister of Health, South Australian Health Commission, information supporting 1980-81 Estimates of Expenditure" on page 1 the expenditure of $7 005 000 for Dental Health Branch in 1979-80 is shown.
2. The Dental Health Branch will cover all primary school children early in 1981.

POINT LOWLY ELECTRICITY

The Hon. FRANK BLEVINS (on notice) asked the Attorney-General:

1. What capacity is the power line servicing the Point Lowly area of north of Whyalla?
2. How many consumers are connected to that line?
3. What is the approximate annual total amount of power used by the consumers serviced by the line?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. A maximum of about 120 kilovolt-amperes.
2. Three.
3. About 4 000 kilowatt-hours.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT PIRIE

The Hon. C. M. HILL (Minister of Local Government): I move:

> That a Select Committee be appointed to inquire into the boundaries of the City of Port Pirie. The Select Committee should examine whether the present boundaries of the City of Port Pirie adequately encompass the present and potential residential, commercial and industrial development of the Port Pirie urban area, and assess their effect on the planning, management and the provision of works and services and community facilities for the urban area. In carrying out this examination the Select Committee should take into account any operational, financial, and management issues it considers appropriate as well as community of interest in its determination of the question. If the Select Committee considers any adjustment to the present boundary between the City of Port Pirie and the district council is deemed necessary, it shall prepare a Joint Address to His Excellency the Governor, pursuant to section 23 of the Local Government Act, 1936-1981, as amended identifying the area, or areas, to be annexed to and severed from either council, the necessary adjustment between the city and district council of liabilities and assets, the disposition of staff affected by any change, and all other matters pursuant to the Local Government Act, 1936-1981.

Motion carried.

The Council appointed a Select Committee consisting of the Hons. C. W. Creedon, L. H. Davis, M. B. Dawkins, J. E. Dunford, C. M. Hill, and Anne Levy; a quorum of members to be present at all meetings of the Select Committee to be fixed at four members and Standing Order No. 389 to be suspended so as to enable the Chairman to have a deliberative vote only; the Select Committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 2 June 1981.

HANDICAPPED PERSONS EQUAL OPPORTUNITY BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to render unlawful certain kinds of discrimination on the ground of physical impairment and to provide effective remedies against such discrimination; to promote equality of opportunity between persons with physical impairments and other members of the community; and to deal with other related matters. Read a first time.

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

That this Bill be now read a second time.

The year 1981 is the International Year of the Disabled Person. The emphasis for this year, which the Government hopes will continue beyond 1981, is on access to community life and equal opportunity to participate fully with every other person in that community life. In 1975, the United Nations declared that disabled persons have the inherent right to respect for their human dignity whatever the origin, nature and seriousness of their handicaps and disabilities and to enjoy a decent life as normally and fully as possible.

The United Nations recalled the principles of declarations in respect of human rights and stated that they should apply equally in respect of persons who are disabled. By promoting equality of opportunity for persons who are disabled, those persons will be free to develop their abilities in the most varied fields of activity and to progress their integration into normal life.

With these concepts in mind the Committee on the Rights of Persons with Handicaps, which was established in December 1976, prepared its first report. The committee, whose Chairman is Sir Charles Bright, reported in December 1978 on the law and persons with physical handicaps. The committee's work is continuing in respect of persons with mental handicaps, and a report is expected soon.

The report of the Committee on the Rights of Persons with Physical Handicaps indicates the growing dissatisfaction among persons with physical handicaps because many have not been given the opportunity to determine their own destinies although they are quite capable of doing so. There has been a failure to recognise that, even though a person may have serious disabilities, his or her aims and desires generally equate with those of the rest of the community. This is not to say that he or she may not have needs which are different from those of the community generally in order that those aims and desires may be fulfilled. But by ensuring that a person who is physically handicapped has an equal opportunity at law many of the problems which those persons presently encounter will be reduced or removed. Thus, the emphasis is on legal rights, not charity, health care or education.

As a significant initiative in 1981, the Government now

introduces this Bill. It reflects the emphasis of the international year in seeking to render unlawful certain kinds of discrimination against persons on the ground of their physical impairment and to provide effective remedies against such discrimination. It seeks to promote equality of opportunity between persons with physical impairments and other members of the community. Whilst sanctions against discrimination are provided, the emphasis is on conciliation. The Government views the Bill as an important means of education to change.

Discrimination against persons with physical handicaps does exist, and that discrimination denies equal opportunities. This legislation is intended to influence the community in its attitudes towards disabled persons and to provide an administrative procedure by which handicapped persons can have their rights recognised at the practical level. The Bill makes discrimination against a person unlawful when, because of his or her physical impairment, that person is treated less favourably than other persons who do not have that impairment.

The Bill deals specifically with discrimination in the areas of employment, education and the provision of goods, services and accommodation. Special provisions deal with life assurance and superannuation and those provisions meet with the approval of all those with whom the Government has consulted, including the insurance industry.

The Bill makes certain exceptions to the principles embodied in it. For example, in the area of employment, an employer does not contravene the Act if, as a result of a physical impairment, the applicant for a job is unable to do work reasonably required of him adequately or safely. There is also provision for positive discrimination in favour of persons with handicaps to provide encouragement to persons to initiate affirmative programmes to advance the position of persons with physical handicaps. It is also unlawful to discriminate against a person who is blind by requiring him to be separated from his guide dog. Victimisation of a person with physical handicap is also unlawful.

The Bill provides for the Commissioner for Equal Opportunity, with broad powers, to be the initial point of contact for a person who complains of an act of discrimination on the ground of that person's physical impairment. The Commissioner will be required to conciliate, where possible, to resolve complaints which are not frivolous or vexatious, but if conciliation is not effective to resolve the complaint of discrimination, the Commissioner refers the matter to a Handicapped Persons Discrimination Tribunal. The tribunal will comprise a judge and two other persons, at least one of whom shall have a substantial physical impairment.

The enforcement of the Act is to be by the application of non-discrimination orders by the tribunal in appropriate cases, and the provision of personal remedies, particularly compensation for loss of time and money. The tribunal will also be able to undertake inquiries upon the application of the Commissioner for Equal Opportunity into complaints of discrimination. There will be an appeal from the decision of the tribunal to the Supreme Court.

The Government has consulted widely in the preparation of this Bill. It has considered the views of many persons and groups, including those who will be affected by the operation of this legislation. The Government examined the manner in which it would be affected by such legislation and how it could operate more effectively to avoid discrimination against persons with physical handicaps.

Representatives of the Government have met with the representatives of particular organisations in an attempt to explain the legislation and to understand the particular problems which those persons consider they will face if they are to give persons with physical handicaps equal opportunity. After meeting with those persons a number of significant changes were made to the legislation as originally drafted. Some complex areas, such as the inter-relationship of this Bill with workers' compensation legislation, will continue to be examined. The Government will continue its consultations on this area in particular.

I introduce this Bill to the Parliament with the intention of leaving it on the table for further comment with a view to proceeding with the Bill in the June sittings of the Parliament. My intention in so doing is to enable the community as well as members of Parliament to familiarise themselves with the intentions of the Government in respect of equality of opportunity for persons with physical impairments. The introduction now, at the beginning of 1981, is a demonstration of the Government's commitment to the objectives of this International Year of the Disabled Person.

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

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Act. Clause 4 provides the necessary definitions. Clause 5 provides that the Crown is bound by this Act. Clause 6 provides that the Commissioner of Equal Opportunity under the Sex Discrimination Act is responsible to the Minister for the general administration of this Act. Clause 7 provides that the Commissioner has a special responsibility for handicpped persons, i.e. persons who, as a result of their physical impairments, have difficulty in participating in the life of the community. The Commissioner is to generally assist such persons, and to play a vital role in educating the community in ways in which handicapped persons may be helped to overcome their problems.

Clause 8 gives the Commissioner the power to delegate. Clause 9 requires the Commissioner to present an annual report to the Minister which will be submitted to Parliament. Clause 10 sets up the Handicapped Persons Discrimination Tribunal, which will be chaired by a judge, or an experienced legal practitioner. One member is to be a handicapped person. Clause 11 provides that tribunal members will be appointed for terms of office of not more than three years. Clauses 12 to 18 are the standard machinery provisions for a tribunal that exercises a judicial function. Clause 19 provides for the appointment of a Registrar.

Clause 20 sets out the criteria for determining what is discriminatory behaviour in relation to persons with physical impairments. Subsection (4) makes it clear that a blind person is discriminated against when the discrimination is based on the fact that he has a guide dog. Subsection (5) makes it clear that this Act does not deal with the question of the accessibility of buildings to handicapped persons. (It is proposed to deal with that problem by way of amendments to the Building Act.)

Clause 21 sets out the criteria for determining what is victimisation under this Act. Clause 22 provides that discriminatin by employers is unlawful. Clause 23 renders discrimination by principals against their agents, or prospective agents, unlawful. Clause 24 similarly renders discrimination by principals against contract workers unlawful. Clause 25 provides that discrimination by a

partnership against partners, or prospective partners, is unlawful. Clause 26 makes it clear that an employer, principal or partnership does not contravene this Act where a person is discriminated against on the basis that, as a result of his physical impairment, he is unable to do the work reasonably required of him adequately or safely.

Clause 27 provides that associations must not discriminate against members, or prospective members. Clause 28 provides that bodies that are responsible for licensing or registering persons for the purpose of carrying out a trade or profession must not discriminate against those persons, unless a person would not, as a result of his impairment, be able to practise the profession, or carry out the trade, adequately or safely. Clause 29 makes it unlawful for an employment agency to discriminate against clients, or prospective clients. Clause 30 renders discrimination by educational authorities unlawful. Clause 31 provides that persons who supply goods or certain services must not discriminate against persons with physical impairments. Subsection (3) exempts a supplier of services where it is his normal practice to exercise a skill only in relation to a particular class of persons. Subsection (4) exempts a supplier of services where the person with a physical impairment requires the services to be performed in a particular manner. In such a case, if the supplier cannot reasonably perform the service in that special manner, he can refuse to provide the service, or if it is reasonable to do so, to provide it in the special manner, but on more onerous terms.

Clause 32 makes it unlawful to discriminate against a person in relation to accommodation. Clause 33 makes it unlawful to require a blind person to be separated from his guide dog. Clause 34 makes it unlawful for a person to commit an act of victimisation. Clause 35 provides that a person who causes or aids another to contravene this Act is jointly and severally liable with that other person in respect of any liability under this Act. Clause 36 makes employers and principals jointly and severally liable with their employees and agents where the latter contravene this Act. An employer or principal is not so liable where he took reasonable precautions to prevent such a contravention.

Clause 37 makes it clear that this Act does not deal with discriminatory rates of pay. Clause 38 makes it clear that where a person takes special steps to assist a particular handicapped person (that is, so-called "benign discrimination") he does not contravene this Act. Clause 39 provides that this Act does not affect charities set up for the purposes of persons with a particular class of physical impairment. Clause 40 provides a similar exemption in respect of any scheme or undertaking for the benefit of persons with a particular class of physical impairment. For example, it is not unlawful for a school run for blind persons to refuse to accept students who are not blind but who have a different physical impairment.

Clause 41 provides that a person does not contravene this Act where he discriminates against a person because that person requires special assistance or equipment that cannot reasonably be provided. Clause 42 exempts discrimination in relation to insurance and superannuation, where the discrimination is based on reasonable actuarial or statistical data, and is reasonable in view of that data and any other relevant factors, or, where such data is not available. Clause 43 provides that an Act of discrimination is not unlawful if the person concerned is empowered or required to act in that manner by another Act, or if he is acting in compliance with an order of the tribunal.

Clause 44 provides that the tribunal may grant exemptions from this Act for periods up to three years. Clause 45 provides that the tribunal may conduct inquiries into discriminatory behaviour on the application of the Commissioner. The tribunal may make non-discrimination orders. A person who contravenes such an order is guilty of an offence and liable to a penalty not exceeding $2 000. Clause 46 provides that a person who feels he has been discriminated against or victimised may lodge a complaint with the Commissioner.

Clause 47 obliges the Commissioner to attempt to resolve complaints by conciliation. If conciliation is not appropriate or fails, he must refer the complaint to the tribunal. Where the Commissioner declines to entertain a complaint, the complainant may require him to refer the matter to the tribunal. Clause 48 provides that the tribunal, after hearing a complaint may order compensation for any loss suffered by the complainant, may order the respondent to do, or not to do, certain things, or may dismiss the complaint. A person who contravenes such an order is guilty of an offence and liable to a penalty not exceeding $2 000. Clause 49 requires the tribunal to state its reasons for any decision in writing. Clause 50 gives an aggrieved party the right to appeal to a local court of full jurisdiction against an order of the tribunal.

Clause 51 provides that contraventions of this Act attract no sanctions or penalties other than those provided in the Act. Clause 52 prohibits discriminatory advertisements. Clause 53 provides an offence of molesting, insulting or hindering the Commissioner or his officers in the exercise of their powers or duties under the Act. Clause 54 provides that offences under the Act are to be dealt with in a summary manner. Clause 55 provides that a person who has been dismissed from employment is not prevented by this Act from taking proceedings under the Industrial Conciliation and Arbitration Act in respect of the dismissal. However, a person cannot obtain a determination from both the Industrial Court and the tribunal in relation to dismissal on the ground of his physical impairment. Clause 56 provides a regulation-making power.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act, 1936-1977. Read a first time.

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

That this Bill be now read a second time.

It replaces the existing Legal Practioners Act. Over the past five years there have been two attempts to enact a new Legal Practitioners Act, but regrettably both have foundered in the Parliament, to the detriment of the legal profession and the public. The Bill deals with the practice of the law, the investigation and resolution of complaints, investigations, inquiries and disciplinary proceedings, the combined trust account and other accounts, the guarantee fund, the position of public notaries, compulsory professional indemnity insurance and incorporation of legal practices.

The preparation of this legislation was at the instigation of the Law Society of South Australia itself and it and the profession are to be commended for initiatives included in the Bill. The society and the Government are concerned that the provisions of the existing Legal Practitioners Act for the regulation and discipline of the profession do not embody the trends and practices that exist in other States

and overseas. The present legislation is very much out of date.

The Bill is designed to promote sound and reasonable regulation of the practice of the law and to ensure the accountability of the profession to the public. That has always been central to the ethics of the legal profession, whose standards have always been high. Self-regulation has been conscientiously practised by the profession, but in recent times the profession has recognised some difficulties emerging.

The profession also recognises that although self-regulation is an important principle the community at large has a right to expect an independent involvement that will be adequate to assure the public that its interests are protected—in other words "justice must not only be done but be seen to be done". The Government shares this view. It is in this context, therefore, that this Bill must be viewed. Strict requirements are maintained for the admission and enrolment of legal practitioners.

The Bill requires that practitioners comply strictly with rules relating to trust accounts and the audit of those accounts, and provides that the Attorney-General or the Law Society may at any time appoint a competent inspector to examine accounts to ensure that they are properly maintained. Random "spot" audits are authorised, and powers are conferred on the Law Society to appoint a manager of a legal practice where serious irregularities have occurred.

At the request of the Law Society provision has been made for the introduction of a professional indemnity insurance scheme that will be compulsory for all persons who intend to practise the law, with the exception of persons in the employment of the Crown, which does not act for members of the public. This insurance has been compulsory in most Canadian Provinces for several years, for solicitors in the United Kingdom, and since 1978 for solicitors in Victoria and Queensland. Interstate and elsewhere Law Societies are seeking similar legislation. The framework for the scheme which the Law Society is seeking to introduce is, in general terms, based on that currently operating in the United Kingdom, Victoria and Queensland.

The master policy scheme provides for the Law Society, acting on behalf of all practitioners required to be insured under the scheme, to enter into an agreement with underwriters to provide indemnity insurance cover. The initial contract is normally for a period of 12 months, with two automatic renewals for 12 months each. The premiums in the two succeeding years are subject to indexation in accordance with the formula set out in the policy. At the expiration of the three-year period, it would be necessary to renegotiate the contract. It is in the public interest that the scheme be compulsory in order that cover will always be available to meet claims against practitioners. Before the scheme becomes compulsory the terms will have to be approved by the Attorney-General.

There has been substantial revision of the complaints resolving and investigative provisions in the legislation. The Bill establishes a Legal Practitioners Complaints Committee, which will be constituted of seven members appointed by the Governor of whom three shall be persons nominated by the Attorney-General (of whom one shall be a legal practitioner and two shall be persons who are not legal practitioners) and four shall be persons nominated by the society (at least one of whom, at the time of his nomination, shall be a practitioner of not more than seven years standing and at least one shall be a person who is not a legal practitioner). That committee will be served by a Secretary, whose job it will be to perform such functions as are delegated by the committee. The functions of the committee are to receive, consider and investigate complaints of unprofessional conduct against legal practitioners, to attempt to resolve a complaint by conciliation where a matter is capable of resolution by conciliation, to admonish a practitioner against whom a complaint has been proved, where appropriate, and to lay charges of unprofessional conduct before the disciplinary tribunal where appropriate. By providing the complaints committee with the services of a Secretary who will carry out much of the investigation for the committee, it is hoped that the investigation and resolution of complaints will be expedited.

Where a charge of unprofessional conduct has been laid against a legal practitioner the Legal Practitioners Disciplinary Tribunal will consider the matter. That tribunal will comprise three legal practitioners from a panel of 12 appointed by the Governor on the recommendation of the Chief Justice.

The tribunal will be empowered by this Bill to deal with the guilty legal practitioner by reprimanding him, by ordering him to pay a fine not exceeding $5 000, by suspending his right to practise as a legal practitioner for a period not exceeding three months, or by imposing conditions on his right to practise as a legal practitioner for a period not exceeding three months, or by imposing conditions on his right to practise for a period not exceeding six months. The tribunal may also refer the matter to the Supreme Court if it is of the view that heavier penalties are appropriate. There is a right of appeal to the Full Supreme Court.

The power of the Supreme Court to deal with legal practitioners who are alleged to have been guilty of unprofessional conduct is not limited. It may reprimand the legal practitioner, suspend him from practice, require him to practise on certain conditions, strike him from the roll of legal practitioners or, by exercising its inherent jurisdiction, it may make any other order it considers just.

This Bill introduces a further means to ensure accountability of legal practitioners. Provision is made for the appointment of a lay observer by the Attorney-General to observe the activities of the complaints committee and the disciplinary tribunal. The lay observer will have access to the proceedings of the complaints committee and the disciplinary tribunal and will be required to report to the Attorney-General. The lay observer has operated effectively in Victoria for a number of years and it is hoped that by providing this additional ombudsman-type person the public will be reassured that a large measure of "self-regulation" of the legal profession ensures high standards and safeguards the public interest.

The Bill maintains the requirement that a person must hold a practising certificate before he or she may practise the law. The legislation, however, provides that not only can natural persons practise the law either separately or in partnership with other lawyers, but also they may form a company to do so. But safeguards are provided in the Bill to regulate legal practice by companies, and the personal liability of the individual lawyers is maintained.

Presently, solicitors are required to deposit with a bank through the Law Society a proportion of the lowest balance in their trust accounts in the preceding year. The Bill changes this to six months. The interest is paid into a statutory interest account and is divided between a guarantee fund and legal aid. By revision of the provisions relating to the combined trust account and other related accounts, it is envisaged that there will be an increase in the amount of interest earned, resulting in more money being directed principally towards the provision of legal aid and to the guarantee fund, against which claims may be made on the default of a legal practitioner.

I consider that by the enthusiastic approach of the Law Society to a review of its legislation, the reinforcement of public accountability, the emphasis on maintaining the high standards of the legal profession and the tightening up of many of the provisions of the present Legal Practitioners Act, this Bill will fulfil the expectations of the profession in the community. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 is a savings provision. Clause 5 contains definitions required for the purposes of the new Act. Clause 6 deals with the division of the profession. It provides that the Supreme Court may on the application of the society make a division of the profession between barristers and solicitors and that the Judges of the Supreme Court may make rules for the purposes of giving effect to such a division of the profession. This section corresponds to an existing provision of the Legal Practitioners Act.

Clause 7 provides for the continuance of the society and sets out its general powers. Clause 8 deals with the officers and employees of the society. Clause 9 establishes the council of the society and provides for its membership. Clause 10 is a saving provision. Clause 11 provides that the council shall have the management of the affairs of the society and provides for delegation by the council.

Clause 12 deals with minutes of proceedings of the society. Clause 13 provides that the society may appoint legal practitioners to represent it in various forms of legal proceeding in which the society may be interested. Clause 14 empowers the society to make rules. Clause 15 deals with the admission of legal practitioners. A person who is of good character, is a resident of Australia and has complied with the relevant rules for admission to the profession laid down by the Judges of the Supreme Court, or who has been exempted from compliance with those rules, is entitled to be admitted and enrolled as a barrister and solicitor of the Supreme Court.

Clause 16 deals with the issue of practising certificates. A practising certificate may be issued to a natural person who has been admitted and enrolled as a legal practitioner under the preceding provision. Or it may be issued to a company that has a memorandum and articles complying with certain stipulations. Those stipulations in general terms are as follows: The sole object of the company must be to practise the profession of law. The directors of the company must be natural persons who are legal practitioners holding current practising certificates (but where there are only two directors one of the directors may be a prescribed relative of the other director who is a legal practitioner). No share issued by the company is to be held beneficially otherwise than by a legal practitioner or a prescribed relative of a legal practitioner who is a director or employee of the company. The total voting rights exercisable at a meeting of members of the company must be held by legal practitioners who are directors or employees of the company. No director of the company may without the approval of the Supreme Court be a director of any other company that holds a practising certificate. Certain provisions relating to the redemption and transfer of shares held by members or former members of the company must also be included in the memorandum and articles. Where any of the stipulations contained in the memorandum and articles of association is not complied with, the practising certificate is automatically suspended.

Clause 17 deals with an application for a practising certificate by a legal practitioner who has allowed his certificate to lapse. Clause 18 deals with the term of a practising certificate. Clause 19 provides that before a practising certificate is issued a legal practitioner must produce evidence to the satisfaction of the Supreme Court that he will be insured during the term of the practising certificate against liabilities that may be incurred during the course of his practice.

Clause 20 provides for the keeping of a register of practising certificates. Clause 21 deals with entitlement to practise the profession of the law. It provides that no person is to practise the profession of the law or to hold himself out as entitled to carry on that practice unless he is duly admitted and enrolled under the Act or in the case of a company holds the practising certificate as required by the Act. A penalty of $5 000 is prescribed. Subclause (2) sets out with greater particularity what is meant by the expression "practising the profession of the law". Subclause (3) sets out a number of instances in which a person is not to be regarded as contravening the prohibition prescribed by this clause. These exceptions are self-explanatory.

Clause 22 deals with practising the profession of the law while under suspension or contravening an order of the tribunal or the Supreme Court under which the right to practise the profession of the law is made conditional. Clause 23 deals with certain forms of improper representation relating to legal practice. Clause 24 deals with returns that are to be furnished by companies holding practising certificates.

Clause 25 provides that a company that is a legal practitioner is not to practise the profession of the law in partnership unless it has been authorized to do so by the Supreme Court. Clause 26 limits the number of employees of a company that practises the profession of the law. Clauses 27 and 28 provide that where a company that practises as a legal practitioner incurs civil or criminal liability that liability shall attach also to the directors.

Clause 29 deals with alterations to the memorandum or articles of association of a company that practises as a legal practitioner. Clause 30 exempts such a company from Parts VI and IX of the Companies Act. These provisions deal with accounts and audit and with official management. Clause 31 provides for the payment of trust moneys into a trust account. Clause 32 protects a bank by providing that a bank shall not be regarded as being effected by notice of any specific trust to which trust moneys may be subject. This provision does not however limit a bank's liability for negligence. Clause 33 requires annual audit of trust accounts by an approved auditor.

Clause 34 provides for the appointment of an inspector to examine trust accounts. The appointment may be made by the Attorney-General or the society. The inspector is to furnish a confidential report to the Attorney-General or the society (as the case may require) upon his examination. A copy of the report is also to be sent to the legal practitioner concerned. Clause 35 deals with the powers of an auditor or inspector employed or appointed under the trust account provisions.

Clause 36 requires a bank to report any deficiency in the trust account of a legal practitioner. Clause 37 deals with the obligation of confidentiality which is to be observed by an auditor or inspector employed or appointed under the trust account provisions. Clause 38 empowers the Governor to make regulations supplementing the provisions of the principal Act in relation to the keeping, auditing and inspection of trust accounts.

Clause 39 provides that the Supreme Court may notwithstanding any lien upon legal papers, order a legal

practitioner to deliver up papers held on behalf of a client or former client. An order under the new provision may be made upon such terms and conditions as the Supreme Court thinks fit. Clause 40 enables a legal practitioner in certain circumstances to continue to act on behalf of a client who has become of unsound mind.

Clause 41 deals with recovery of legal costs. It requires the legal practitioner to furnish an account specifying the total amount of the costs. The client may request the legal practitioner to provide him with a detailed statement of how that amount is made up. Clause 42 provides for taxation of bills of legal costs in the Supreme Court. Clause 43 provides that a bill for legal costs may be taxed whether it relates to business of a litigious nature or not.

Clause 44 empowers the society to appoint a supervisor to supervise the payment of moneys from the trust account of a legal practitioner. Clause 45 empowers the society to appoint a manager, who will be able to take over to some extent the business of a legal practitioner where the legal practitioner has died or is incapable of attending properly to his practice, where serious irregularities have occurred in the course of his practice, or in various other circumstances.

Clause 46 provides for an appeal against the appointment of a supervisor or manager. Clause 47 empowers a supervisor or manager to apply to the Supreme Court for directions in relation to any matter affecting his duties or functions. Clause 48 deals with remuneration of supervisors or managers. Clause 49 deals with legal practice by bankrupts. The right to practise the profession of law by a bankrupt is subject to the approval of the Supreme Court, and the Supreme Court may impose appropriate conditions upon legal practice by such a person.

Clause 50 provides for the personal representative of a deceased legal practitioner to be able to carry on his practice for a limited period. Similar provisions apply in relation to the trustee in bankruptcy of a legal practitioner, and a receiver or liquidator appointed in respect of a company that is a legal practitioner.

Clause 51 deals with right of audience before courts and tribunals. It provides that the Attorney-General, the Solicitor-General and the Crown Solicitor of the State or of the Commonwealth have a right of audience before any court or tribunal established under the law of the State. Similar rights are exercisable by any legal practitioner acting on the instructions of the Attorney-General or the Crown Solicitor of the State or the Commonwealth, a legal practitioner employed in the Department of Corporate Affairs and acting in the course of that employment, a legal practitioner employed by the Legal Services Commission and acting in the course of that employment, a legal practitioner who is practising the profession of law as a principal or legal practitioner who is in the full-time employment of any such legal practitioner, and a legal practitioner employed by the society. Subclause (2) provides that, where a legal practitioner who is an employee appears as counsel or solicitor before a court or tribunal, any undertaking given by the legal practitioner in the course of the proceedings shall be binding on the employer.

Clause 52 provides that the society may enter into arrangements with authorised insurers providing for a general scheme under which legal practitioners will be insured to the extent provided in the scheme against liabilities arising in the course of professional practice. Clause 53 deals with the deposit of a proportion of the balance of a legal practitioner's trust account in the Combined Trust Account. Clause 54 deals with the investment of the moneys deposited. Clause 55 provides a statutory immunity in respect of the deposit and investment of trust moneys.

Clause 56 provides for the maintenance of the Statutory Interest Account. This is the account to which interest arising from investment of the Combined Trust Account is to be paid. This clause provides for the payment of a proportion of these moneys to the Legal Services Commission and the remainder to the Guarantee Fund.

Clause 57 establishes the Guarantee Fund and provides for payments from the Guarantee Fund. Clause 58 requires the society to keep proper accounts and to have them audited periodically. Clause 59 empowers the society to borrow moneys for the purposes of Part IV.

Clause 60 provides for the making of claims against the Guarantee Fund by a person who has suffered loss as a result of a fiduciary or professional default by a legal practitioner. Such claims, of course, will not relate to liabilities covered under the professional indemnity insurance scheme to which I have earlier adverted.

Clause 61 provides that such claims will be barred within a specified period fixed by notice published by the society. Clause 62 empowers the society to require the production of documents relevant to the determination of a claim under Part V. Clause 63 deals with the determination of claims by the society. Clause 64 provides for the payment of claims out of the Guarantee Fund.

Clause 65 subrogates the society to the rights of the claimant who has been paid out under the new Part. Clause 66 provides that in certain circumstances a legal practitioner who has suffered loss as a result of a fiduciary or professional default committed by a partner, clerk or employee may make a claim against the Guarantee Fund.

Clause 67 empowers the society to insure the Guarantee Fund against claims under Part V. Clause 68 provides for the establishment of a Legal Practitioners Complaint Committee. The committee is to consist of seven members appointed by the Governor of whom three are to be appointed on the nomination of the Attorney-General and four upon the nomination of the society. At least three of the members must be non-legal practitioners.

Clause 69 deals with the conditions on which members hold office. Clause 70 deals with quorum and procedures of the committee. Clause 71 deals with the validity of acts of the committee and immunity of its members. Clause 72 provides for the appointment of a Secretary to the committee by the society with the approval of the Attorney-General. Clause 73 imposes an obligation of confidentiality on members of the committee and on persons employed or engaged on work related to the affairs of the committee.

Clause 74 sets out the functions of the committee. These are to receive, consider and investigate complaints of unprofessional conduct against legal practitioners; where the subject matter of a complaint is capable of resolution by conciliation, to attempt to resolve the matter by conciliation; where in the opinion of the committee a complaint may adequately be dealt with by admonishing the legal practitioner, to admonish the legal practitioner accordingly, or to lay charges of unprofessional conduct before the tribunal. Subclause (2) provides that the committee may engage counsel to assist it in performing its functions.

Clause 75 provides for delegation of power by the committee. However, the committee is not to delegate its power to admonish or lay charges. Clause 76 empowers the Secretary of the committee to conduct investigations at the direction of the Attorney-General, the committee or the society. It invests him with certain powers necessary for the purposes of such an investigation.

Clause 77 provides for the committee to report on any

investigation that has revealed evidence of unprofessional conduct. However a report need not be made where the subject matter of a complaint has been successfully resolved by conciliation.

Clause 78 establishes the Legal Practitioners Disciplinary Tribunal. There are to be 12 members of the tribunal appointed by the Governor on the nomination of the Chief Justice. One member of the tribunal is to be appointed to be Chairman of the tribunal and another member is to be appointed as deputy.

Clause 79 deals with the conditions on which members of the tribunal shall hold office. Clause 80 provides for the constitution of a tribunal in relation to specific proceedings. It provides that the tribunal is to consist of a panel of three of its members chosen by the Chairman to constitute the tribunal for the purposes of those proceedings. The clause also deals with various incidental matters affecting the constitution of the tribunal and its procedures.

Clause 81 is a saving provision and provides for immunity of the members of a tribunal in respect of their official functions. Clause 82 sets out the procedure for laying complaints of unprofessional conduct against legal practitioners and provides for the powers of the tribunal after conducting such an inquiry. Those powers are as follows:

The tribunal may reprimand the legal practitioner;
it may order him to pay a fine not exceeding $5 000;
it may suspend his right to practise the profession of the law;

it may order that the right to practice the profession of the law shall be subject to specified conditions for a period not exceeding six months;

it may recommend the commencement of disciplinary proceedings in the Supreme Court.

In relation to a former legal practitioner the tribunal may impose a fine of up to $5 000. The tribunal is to transmit the evidence taken on an inquiry, together with a memorandum of its findings to the Attorney-General and the society and, where the charge was laid by the committee, to the committee. Clause 83 deals with notice of inquiries to be given by the tribunal. Clause 84 sets out the procedural powers of the tribunal on an inquiry.

Clause 85 deals with orders for costs in relation to proceedings before the tribunal and deals with the recovery of a fine or costs ordered by the tribunal. Clause 86 provides for an appeal against actions and orders of the tribunal. Clause 87 provides for suspension of an order of the tribunal pending appeal. Clause 88 provides for the making of rules dealing with the procedure of the tribunal.

Clause 89 provides for disciplinary proceedings before the Supreme Court. It should be observed that this provision is in addition to and does not derogate from the inherent jurisdiction of the Supreme Court to discipline legal practitioners. The clause deals with the case where the tribunal recommends that disciplinary proceedings be commenced against the legal practitioner in the Supreme Court. In such a case the Attorney-General or the society may institute such proceedings. The Supreme Court is empowered in any such proceedings to reprimand the legal practitioner, to suspend him from practice, to provide that his right to continue in practice is to be subject to specified conditions, or to order that the name of the legal practitioner be struck off the roll of legal practitioners. The court may, of course, make other incidental or ancillary orders, including orders for costs of the proceedings before the court and the tribunal.

Clause 90 deals with the appointment of lay observers by the Attorney-General. These observers will be entitled to attend meetings of the Legal Practitioners Complaints Committee and the tribunal and they will report to the Attorney-General on any aspect of those proceedings. Clause 91 deals with the admission of public notaries. Clause 92 provides for the keeping of a roll of public notaries. Clause 93 deals with the powers of the Supreme Court to strike the name of a notary from the roll. Clause 94 makes it an offence for a person to act as a notary without being duly admitted and enrolled as such.

Clause 95 provides for the Treasurer in each year to pay to the society a prescribed proportion of practising certificate fees for the purpose of maintaining and improving the society's library and also for the purpose of providing a subvention to the guarantee fund. Under subclause (2) the Treasurer is, on the recommendation of the Attorney-General, to make contributions towards costs arising under Part VI. Clause 96 deals with bringing proceedings for an offence against the new Act. Clause 97 is a regulation-making power.

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

PRISONS ACT AMENDMENT BILL

In Committee.
(Continued from 4 March. Page 3457.)
Clause 6—"Insertion of new Part IA."

The Hon. C. J. SUMNER: The foreshadowed amendments to lines 40 and 43 on page 2 and to lines 2 and 21 on page 3 are all consequential on the amendment that would have provided for an elected employee representative on the Correctional Services Advisory Council. That amendment was defeated last night, and accordingly I will not proceed with the amendments to which I have just referred. I move:

> Page 3, after line 33—Insert new paragraph as follows:
> *(ab)* institute, assist in or promote research in the field of correctional services;.

This amendment adds to the function of the advisory council the institution, assistance in or promotion of research in the field of correctional services. The Opposition believes that this is an important function that should be added to the advisory council's role. As I indicated in my second reading speech, the Opposition takes the view that the increasing crime rate and the problems surrounding correctional services in this community are not likely to go away. Certainly, they are not likely to go away because of the absurd promises that the Liberal Party made before the last election. If we are to try to come to grips with this issue as a community and not just on the basis of some kind of political point-scoring, the value of a Correctional Services Advisory Council would be considerably enhanced if it had some additional research functions. It is for that simple reason that I have moved this amendment.

There is obviously much scope for research in this area. I realise that in the area of crime statistics the Police Department and the Office of Crime Statistics in the Law Department do very good work. Of course, their functions are narrowly confined to statistics, whereas research in the general correctional services area could be promoted by an advisory council of this kind. Accordingly, I ask the Committee to support the amendment.

The Hon. C. M. HILL: I do not deny that the proposal has some merit, but I point out that in paragraph *(d)* further functions may be prescribed for this advisory council. The Government would prefer the functions to be

limited in the early stages to those which are contained in the Bill. If the advisory council after a period of time needs to enter into the field of research, as the Leader of the Opposition suggests, I can give the Leader my word that most certainly the whole question of research can be expanded at a later date. However, at this stage the Government prefers that the functions remain as they are and, accordingly, I must oppose the amendment.

Amendment negatived; clause passed.

Clause 7—"Insertion of new s.11a."

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

Page 4, after line 10—Insert new subsections as follows:

(2) A volunteer shall not be used to perform any work—

(a) where by so doing he would displace, or replace, a person who is, or was, being paid to perform that work; or

(b) where funds are available for the performance of that work.

(3) Volunteers may be used for any of the following purposes:

(a) assisting in the provision of information services for persons attending courts;

(b) visiting prisoners;

(c) befriending and supporting probationers or persons on parole;

(d) providing or assisting in the provision of facilities or services run for the benefit of probationers or persons released from prison; or

(e) any other appropriate purpose.

Clause 7 deals with the promotion and use of volunteers in the administration of the Prisons Act. Proposed new section 11a, which the Minister seeks to insert in the Act, provides that the Minister shall promote the use of volunteers in the administration of the Act to such extent as he thinks appropriate. I understand that volunteers are already used to some extent in this area, but this provision enshrines in legislation the use of volunteers. It gives the Minister a considerable amount of discretion, as he will have complete discretion on whether it is appropriate that volunteers should be used.

In theory, the Opposition has no objection to the use of volunteers in certain areas, although I should like the Minister to explain to the Committee in what areas volunteers are used at present, and whether or not the legitimisation of this practice in the legislation will lead to any change in practice or any increased use of volunteers and, if it will, in what way the volunteers will be used in addition to the ways in which they have been used in the past.

My amendment expresses the concern that volunteers might be used in a way that would replace people who are performing professional paid work in the Department of Correctional Services. In addition, my amendment specifies where volunteers may be used. We believe that this amendment is important in the context of the Government's move to enshrine the use of volunteers in legislation. I believe that this section is unnecessary. Volunteers have been used in the past, and successive Governments have given funds to volunteer organisations that use volunteers, such as the Offenders Aid and Rehabilitation Service, which is the old Prisoners Aid Society. No doubt there are other organisations and volunteer groups that use volunteers in this area.

This clause gives the Minister specific authority to promote the use of volunteers. It enshrines something in the legislation which up until now has been done on an administrative basis. If we are giving the Minister this specific legislative authority, and if there is any complaint about the use of volunteers, the Minister can point to the legislation and say that it is authorised by law. The Minister will have a very broad discretion to promote the use of volunteers in any way he considers appropriate.

Given that the Government is now seeking to put this into the legislation, we will not oppose it. However, we believe the general purposes that volunteers will be used for should be specified. Secondly, and more importantly, we believe that there should be a specific prohibition in the legislation against the use of volunteers where their use would displace or replace a person who is or was being paid to perform that work. We believe this is a matter of considerable importance, and I hope that the Government does also. A clause in the Ethnic Affairs Commission Bill refers to the use of volunteers. When the Government was questioned about that clause during debate, the Hon. Mr. Hill gave a specific commitment that volunteers would not be used in the place of paid staff labour. I believe there are other examples where the Government has made statements of that kind. If that is the Government's policy, and I would like the Minister to give that undertaking, I cannot see why it should have any objection to it being placed in the legislation.

The Hon. C. M. HILL: I certainly give an undertaking that volunteers will not in any way be used to displace or replace paid officers. That point was made quite clear when this Bill was introduced. The Government is quite emphatic on that point, so the Leader need not have any reservations. It is a question of how flexible a provision which formalises the volunteer system should be in legislation of this kind. The Leader prefers to put it all down in a series of divisions detailing the purposes for which volunteers can and cannot be used. However, the Government prefers to leave the matter with some flexibility and in the hands of the Minister. I believe that is preferable.

I well appreciate the fact that the Leader has some anxiety about this matter; nevertheless I assure him that his fears are unfounded. As he said, volunteers are involved in the system now. All this clause does in the early stages of the legislation is to formalise the present practice. I understand that there are plans for a proposed new community service scheme which will involve further volunteers. At the moment I understand that volunteers are used for general information purposes, to help man drop-in centres run for prisoners on parole and probation, as visitors for prisoners, and they are even used to befriend and encourage prisoners on parole and probation.

The Government simply wants to formalise the present procedure. The fact that volunteers form part of the correctional services system should be recognised in the Bill. Once again, I give the Leader my assurance, to allay his fears, that volunteers will not in any way be used to displace or replace paid officers. In view of the Government's attitude, I really do not think that there is any need for the proposal outlined in the amendment, so I cannot support it.

The Hon. C. J. SUMNER: The Minister of Local Government is not the Minister in charge of this Bill, so I appreciate that he is not in a position to give me the detailed information that I require. However, I would like more details about the areas in which volunteers are presently being used and whether there is any intention to expand the use of volunteers and, if so, in what areas. The Minister has given me a broad general outline, but members on this side are concerned about any plans for the future use of volunteers in situations that may impinge on professional paid officers who are presently employed or who may be employed in the future. In other words, if a job ought to be done by a professional paid officer, it would be inappropriate for a volunteer to be used.

I think that the Committee should receive a more

detailed explanation about the Government's policy in this area. First, I would like an outline of where volunteers are used at the moment. Secondly, how is it intended to expand the use of volunteers, and when is that expected to take place? I am not satisfied with the Minister's response. I appreciate that the Minister has given certain undertakings about the Government's policy, but I see no reason why that should not be inserted in the legislation. The Minister has given an undertaking; why will he not insert it in the legislation?

The Minister did not really respond to my second question, which dealt with our proposal to set out some of the sorts of areas in which it would be appropriate for volunteers to be used. It seems to be a useful adjunct to the provision dealing with volunteers. If the Minister is not in a position to provide immediate answers, I would appreciate it if at some time in the future he could communicate with me in regard to the use of volunteers. Despite the Minister's undertakings, I believe I should proceed with the amendment.

The Hon. C. M. HILL: Again, I assure the Leader that the volunteers will not in any way carry out work which the professional probation officers will carry out. There will not be the overlap that the Leader believes there might be. The volunteer system will not clash, nor does it clash at the moment, with the professional officers' activities. There is a clear demarcation in this respect. I do not object in any way to obtaining further detailed information from my colleague and forwarding it to the Leader in regard to the specific activities that the volunteers will engage in.

The Hon. C. J. Sumner interjecting:

The Hon. C. M. HILL: They are simply involved with work to assist those on parole and on probation and their families in the general social area. There are outings and holidays in which prisoners' families are involved; enjoyment is brought to their families through the efforts of volunteers. When the families are joined by the person on probation or parole the volunteer is involved with those social activities assisting to the general benefit socially of the person who is being rehabilitated. That is the principal thrust of the volunteer movement. It is occurring now. In its original form the Bill simply wanted to formalise that procedure.

We did not want to go into a lot of detail as to what they should do or not do, because another fault in that approach is that there may well be some activities which are omitted, and they may become unlawful if they are entered into when not specified in the legislation. There is a strong argument to leave it broad, because that may well be the better method and the means by which these people can be helped in the optimum way. I undertake to get further detailed information about the present and proposed activities of the volunteers who will be recognised now in the legislation. In due course I will forward that to the Leader so that he can have it for his information.

The Hon. C. J. SUMNER: I thank the Minister for that information, but we take the view overall that our amendment improves the Bill. It should be accepted by the Committee as it confirms the undertakings that the Minister has given. The amendment gives informatin about the use of volunteers to anyone who may be consulting the Act. Despite the Minister's response and his assistance in providing additional information, which I appreciate, the Opposition still believes that the amendment constitutes an improvement to the Bill and we will persist with it. However, I hope the Minister's response to my remarks is not to be taken as in some way saying that the Opposition is opposed to the use of volunteers. We support the clause and the use of volunteers in appropriate circumstances, but we believe that the amendment would improve the Bill. I ask the Committee to see it that way.

The Hon. C. M. HILL: There is a departmental annual report prepared on volunteers and the work that they are doing. I will have a copy of that report forwarded to the Leader for his information.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. B. A. Chatteron. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

The Hon. C. J. SUMNER: This clause deals with conditional release, which we have resolved, and I do not intend to proceed with my amendment.

Clause passed.

Clause 9—"The parole board."

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

Page 4, line 24—Leave out "six" and insert "seven".

Clause 9 deals with the composition of the Parole Board. At present the board comprises a Chairman who is a person with some experience in criminology, a medical practitioner with experience in psychiatry, and another person with experience in sociology, plus someone nominated by the United Trades and Labor Council and someone nominated by the Chamber of Commerce. There are five members there.

The Government's proposal is for six members, with the Chairman, the medical practitioner, and the sociologist remaining the same, and then the Minister wants power to appoint three additional people, without any restriction. The Opposition's view is that there should be seven people on the board and that there should be two, the Chairman and the Deputy Chairman, who should be judges of either the Supreme Court or the Local Court. The one person with sociology experience would remain and an additional four would be appointed by the Government.

The rationale behind this is that we feel the Chairman and the Deputy Chairman ought to be judges. Members will recall that the Mitchell Committee Report on changes to the parole system recommended that the responsibility for parole should rest with the Judiciary, in particular, with the sentencing judge. As I said in my second reading speech, both the major parties at least did not agree with that recommendation and believed that the system of the Parole Board is to be preferred.

However, our amendment would go some way towards achieving what the committee was thinking about by inserting judicial participation in Parole Board matters, particularly judicial participation to the extent of two members out of seven. The other thing which this would achieve and which we believe highly desirable is that it would enable the board to sit in panels. That is provided for by a subsequent amendment that we have. I should have thought that that was something of which the Government approved. With seven members, we could have the panels consisting of not less than three, with the judge, who would be Chairman of the board, as Chairman of one panel and the Deputy Chairman as Chairman of the other.

We believe that that would assist the administration of the Parole Board, and help to ensure that the work load

was divided and that prisoners were able to have their applications heard as expeditiously as possible. Regarding the other matter that we wished to insert, at present a clause requires that one member of the Parole Board shall be a woman. In accorance with the arguments we put last night about appointing an Aboriginal to the Correctional Services Advisory Council, we believe that one of the seven members of the parole board ought to be an Aboriginal.

We believe that the scheme that we have devised for the recomposition on the board is to be preferred. The amendment I have moved would ensure the increase in the size of the board from six to seven. I think that, as these would need to be seen as composite amendments incorporating the matters that I have mentioned, this amendment could be a test case, although I would wish to proceed with the amendment relating to having an Aboriginal on the board and also with the amendment regarding the use of panels, even if the present amendment were lost.

The Hon. C. M. HILL: The Government cannot accept the change to add even a further member to the board. The amendment in the legislation before the Committee increases the number on the board from five to six and the Leader's amendment seeks to increase the number further, to seven. True, the Leader's further amendments are then going to divide his new board into panels.

The Government is opposed to that in particular. It is strongly against a Parole Board being divided into, say, two panels. We believe that a great deal of feeling could develop in prisons on the part of prisoners who were due to come before the board, in that they might feel that one half of the board (let us call it panel A) might be more generous in decision-making than the other panel, panel B. All sorts of problem could arise if the board was divided into such a panel system.

The Government believes that, for greater participation, the number ought to be increased from five to six, as the legislation provides. The Government also rejects the qualifications that the Leader requires in his amendments. He wants to provide that the Chairman shall be a judge of the Supreme Court and that, as I understand his amendment, the Deputy Chairman shall be a person holding judicial office under the Local and District Criminal Courts Act, 1926-1976.

Whilst it is true that the first Chairman was Mr. Justice Chamberlain, and while the present Chairman is Her Honour Justice Mitchell, neither the present legislation nor the amending Bill lays down that such an office should be held by a member of the Supreme Court bench. The Government believes that the qualifications in the Act at present are sufficient to secure an adequately balanced board and a board with the best possible expertise to be an ideal Parole Board.

In our legislation, we omit the representation from the two trade or industrial groups, and I think the Leader agrees with that. The Government simply seeks to add another nominee of the Minister, and we feel that three nominees of the Minister gives considerable opportunity for the Minister of the day to select people who, he thinks, can serve the board well. We still have three nominees with qualifications as set out in the Act but we do not believe that there is a need for the further changes that the Opposition proposes.

Just as we oppose the principle of a representative of a specific ethnic group (in this case Aboriginal) being on the advisory council under the Act, so we believe that the Prisons Act should not make it mandatory for the Government to appoint an Aboriginal to the Parole Board. Taking all the Leader's amendments under this general heading, the Government cannot support them.

The Committee divided on the amendment:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

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

Pair—Aye—The Hon. B. A. Chatterton. No—The Hon. K. T. Griffin.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 4, line 29—

Leave out "three" and insert "four".

The Hon. C. M. HILL: I oppose the amendment.

Amendment negatived; clause passed.

Clause 10 passed.

New clause 10a—"Board may be divided into panels for certain proceedings."

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

Page 4, after line 31 insert new clause as follows:

10a. The following section is inserted after section 42c of the principal Act:

42ca. (1) Notwithstanding the provisions of section 42c, 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.

I do not believe that the amendment proposed by the insertion of new clause 10a is affected by previous decisions that have been taken. I have already canvassed the arguments and will not repeat them.

The Hon. C. M. HILL: The Government does not believe that it is proper for the prisoner to be able to choose between two panels that he can appear before in regard to parole.

The Hon. C. J. Sumner: He would not have the choice; the Parole Board would decide where he goes.

The Hon. C. M. HILL: I do not think the new clause states that. However, whether he has the choice or not we believe that all prisoners should appear before one board. That overcomes any feelings of favouritism that might develop. We believe that there is no need for the Parole Board to be divided and the best situation is for the Parole Board to stay as one, to act as a board, consider all issues as a board and operate as one single unit.

New clause negatived.

Clause 11 passed.

Clause 12—"Repeal of ss. 42k to 42n and substitution of new sections."

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

Page 6, lines 28 and 29—Leave out "(not being a prisoner who is serving a sentence of life imprisonment)".

This amendment and a number of consequential ones deal with the question of who should have the responsibility of granting parole to a person who is sentenced to life imprisonment. The Opposition believes that the Parole Board should be maintained. If we set up an expert body to do this job, it seems absurd subsequently to involve the Government in it at the Executive Council level. The

problem with the Government's proposal is that we end up having political factors influencing the Government's decision. At least, when we set up a specialist body like the Parole Board to do these things, that board can use consistent principles to arrive at a decision.

The problem with Executive Council doing the job is that we are then throwing into the political arena the future of a prisoner, that is, whether or not he should be released. That is quite illogical and silly. Instead of leaving the prisoner's fate to the Parole Board, the Government is saying that only this class of prisoner should be thrown into the political arena, to be pushed and shoved around potentially in a political way.

As honourable members know, some of these cases attract considerable political attention as, indeed, did the recent case of Mr. Cullen. It is by far preferable for these matters to be left to the Parole Board, and Executive Council should not otherwise be involved in them. I have therefore moved the amendment to maintain the *status quo,* so that life prisoners will be treated by the Parole Board without the interference of Executive Council.

The Hon. C. M. HILL: The Government objects to and opposes most strongly this proposition. The Government considers that the public in general believes that the Government of the day is responsible when a person is released on parole. The Government does not agree with the present system, under which the Parole Board can release a life sentence prisoner without the knowledge or consent of the Government of the day.

So, under the Bill, the Parole Board will recommend release, and the matter will go to Cabinet through Executive Council before it can be finalised. That is in keeping with general public opinion on this question. The people look to the Government to be responsible, and this Government is prepared to accept its responsibility and have the final say on whether a life prisoner should be released. I therefore oppose the amendment.

The Hon. C. J. SUMNER: I am getting the impression this afternoon that honourable members are losing their enthusiasm for calling divisions. I may be mistaken about that, but I thought the fact that they were not displaying an alacrity in crossing the floor on the last occasion indicated this. I cannot say that I blame honourable members for this, especially after what the Government has pushed through the Council during the past couple of days. The fact is that the Government seems to have organised its legislative programme badly.

I will not call for a division on this clause. However, that should not be taken as any indication of a change of attitude by the Opposition. We believe that this amendment ought to be carried and that the existing situation regarding the parole of life prisoners should remain the same. Unless the Hon. Mr. Milne expresses any support for the Opposition on the matter, I will not call for a division.

Amendment negatived.

The Hon. C. J. SUMNER: I believe that the foreshadowed amendments to lines 31 and 37 on page 6, to lines 7 to 11, 19, 26, 27, 28 to 32, 33, and 44 to 46, on page 7, and lines 2 to 4, and 11 to 13 on page 8 are all consequential on the previous amendment. Therefore, as a decision on principle has already been taken, I do not intend to proceed with those amendments. I now move:

Page 9, line 25—Leave out "in writing".

The Opposition feels strongly about this amendment, which deals with representations that may be made to the Parole Board. The amendment provides that the Director of the Department of Correctional Services may make submissions to the board as he thinks fit, either personally, through his representative, or in writing. That facility will now be available to the Director and to the Commissioner of Police.

However, when one returns to a prisoner's rights before the board, one sees that he may make submissions in writing only, and that he will have no capacity to be personally represented before the board. To the Opposition, that is quite unjust.

There can be no justification in a situation where the board is supposed to be sitting as some kind of independent arbiter on a prisoner's fate, to enable two bodies (in some instances they could be seen as the prosecuting authorities) to appear before the board and make submissions personally, yet the prisoner is allowed merely to make representations in writing. The Opposition feels most strongly about this amendment because this situation does not accord with the principles of natural justice. Why should the Commissioner of Police and the Director of Correctional Services have the right to appear personally before the board and make oral submissions, when the same right is not given to the prisoner?

The Hon. Frank Blevins: It's a denial of natural justice.

The Hon. C. J. SUMNER: It is. I find it difficult to believe that a majority of members of this Council would accede to what is clearly an unjust situation. Certainly, the Opposition feels strongly about this matter, and I hope that the Committee will see fit to ensure that this basic principle of justice is enshrined in the legislation.

The Hon. K. L. MILNE: That sounds eminently just. I can imagine that a prisoner could experience difficulty trying to put something down in writing in difficult circumstances, and it would be much easier for him to appear personally, even if thereafter he had to put something in writing. However, I think that he should have the right to appear personally in the first instance.

The Hon. C. M. HILL: I understand that under the present procedure submissions are made in writing and that on occasions the Chairman calls prisoners before her to discuss the submission and the general circumstances. The Government simply wants to formalise the present practice.

The Hon. C. J. Sumner: You're not doing that.

The Hon. C. M. HILL: We are formalising what is happening at present. I am saying that at the moment submissions are made in writing, but on occasions the Chairman discusses those submissions and the circumstances with the prisoner. The Government intends to make it mandatory that the submission be made in writing. We expect that the Chairman would still discuss the circumstances with the prisoner. The Government does not intend to bring in any injustice as the Leader has suggested. We are simply formalising an existing procedure which is considered preferable by the Government and the Parole Board. Therefore, I cannot agree with the Leader's amendment.

The Hon. C. J. SUMNER: The Minister has given a slightly coloured impression of what his amendment would achieve, because it does not formalise the present position. It provides that the Director of the Department of Correctional Services and the Commissioner of Police can make a submission in writing or appear with their lawyers before the board. We are not arguing about that. We are saying that if that situation can apply to those two officials then prisoners should have a similar right. It is all very well for the Minister to say that the Parole Board allows prisoners to appear before it occasionally, but in the Bill there is no right of appearance for prisoners.

A prisoner may be called in in one case, but he does not have to be called in and may not be called in in another. The Commissioner of Police and the Director of

Correctional Services have the right to appear at any time, irrespective of the Parole Board's opinion. However, prisoners are in the hands of the Parole Board. If the Parole Board would like a prisoner to appear he can, but he has no right of appearance. I do not believe that the Minister's comments have overcome this difficulty. If the Minister thinks that the Parole Board will generally allow prisoners to appear before it, I cannot see why he will not accept our amendment. If the Minister is unhappy with our amendment, perhaps it can be adapted to allow all parties to have the same rights.

The Hon. C. M. HILL: Under the present Act prisoners do not have a right to appear personally, but make their submissions in writing. The board, through the Chairman, can then ask a prisoner to appear and discuss his situation with the board. This amendment simply ensures that in the first instance the prisoner forwards a written submission to the board. However, that does not prevent prisoners appearing personally before the board at a later stage. If the term "in writing" is deleted all prisoners would have the right to appear personally, and I understand there are about 30 a week. If all prisoners were allowed to appear personally in the first instance, the whole machinery of the board would become bogged down.

The Hon. K. L. MILNE: I believe we are becoming confused, because the Police Commissioner or the Director of Correctional Services can make a submission in writing or appear personally before the board. Perhaps the amendment does not do what it was intended to do. If we delete "in writing" a prisoner would have had no right to go before the board. The Minister is not formalising what happens at the present time, but is almost cutting out the Chairman's opportunity to see prisoners personally.

The Hon. C. J. SUMNER: I accept the Hon. Mr. Milne's comments and, therefore, I will not proceed with my amendment to page 9, line 25. However, I will proceed with my amendment to insert a new subsection. We are arguing about the same thing, so it is simply a matter of deciding the best way to achieve it. I believe that prisoners should have the same rights as the Commissioner of Police and the Director of Correctional Services. At the moment the Parole Board may call a prisoner to appear before it, but unless that happens a prisoner has no right to appear. The injustice arises because what might be termed the prosecuting authorities, the Commissioner of Police and the Director of Correctional Services, do have the right to appear. In other words, there is one set of rules for the Commissioner and the Director and another set of rules for the prisoners, and that is not acceptable. The Minister's reply is a red herring.

The Hon. K. L. MILNE: I am confused as to why it needs to be said twice.

The Hon. C. J. SUMNER: I certainly concede that what the Hon. Mr. Milne has said is probably preferable, but I do not think that it makes any difference in substance.

The Hon. K. L. MILNE: I suggest that paragraph *(c)* be deleted and that new subsection (3) stand in its place.

The CHAIRMAN: That is more difficult to do than it appears.

The Hon. C. J. SUMNER: As everyone is partly right, the simplest procedure is for me to proceed with the amendment standing in my name after line 26. First, I seek leave to withdraw the amendment to line 25.

Leave granted; amendment withdrawn.

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

> After line 26 insert new subsection as follows:
>
> (3) For the purposes of subsection (2) *(c)*, the prisoner may make his submissions in writing, may appear personally before the board, or may be represented by any other person, including a legal practitioner.

The Hon. C. M. HILL: I oppose the amendment. I stress the situation with which we are dealing. We are dealing with a prisoner who at that time is serving a sentence and is seeking a parole remission. It is important that we remember that we are dealing not with a free man or woman but with a prisoner who has been sentenced through the courts—

The Hon. C. J. Sumner: And who has no rights of representation.

The Hon. C. M. HILL: Under the present wording the prisoner cannot only put his case to the Parole Board: he can also go before the board, and he can be represented by any other people. He can bring along a half dozen of his friends. The amendment provides that "he may be represented by any other person".

The Hon. Frank Blevins: That is in the singular.

The Hon. C. J. Sumner: It does not mean that he could bring any other persons along.

The Hon. C. M. HILL: I think he could bring along his neighbours, his priest, and his legal practitioner. Members opposite know that this is the case. What faith have they in the board if they believe that this kind of procedure is necessary? What faith have they in the board if they think it necessary to give a prisoner the right of such representation simply to make his case for release on parole? It seems completely unnecessary that the Committee need to go this far. The Leader has agreed that the prisoner may make representations in writing as the prisoner thinks fit. The board can then personally see the prisoner. The Chairman can see the prisoner if she so wishes. Does anyone suggest that the prisoner is not going to receive justice from that procedure?

The Hon. Frank Blevins: I will do so in a moment.

The Hon. C. M. HILL: What would you expect your legal practitioner to say on your behalf in such a situation?

The Hon. K. L. Milne: He could be articulate.

The Hon. C. M. HILL: The Parole Board fully understands the facts that have been put to it in writing and can pursue them personally with the prisoner if so desired.

The Hon. C. J. Sumner: Why don't you restrict the rights of the Director and the Commissioner of Police to put their submissions in writing and do away with their rights to do that personally? Then all the parties would be on an equal basis.

The Hon. C. M. HILL: The parties are not equal—one is a prisoner and one is the police. One is a criminal.

The Hon. G. L. Bruce: He is entitled to some protection.

The Hon. C. M. HILL: Yes, and the law gives him the right to apply for parole, and to apply in writing. The selection of the board is such that if they wish to inquire personally they can do that. The board has the right to do that. As far as I am concerned prisoners get full justice from the parole system. If anyone here thinks that they do not, I would like to hear about such cases. The Committee is getting too emotional. The Leader has drawn a red herring across the trail, and is going too far in asking why a prisoner should not have the same right at that time as the Commissioner of Police. That is just too silly for words.

The Hon. G. L. Bruce: Why?

The Hon. C. M. HILL: Because they are on a different basis at that time. I urge the Committee to consider the matter fully. I urge the Hon. Mr. Milne to consider the facts in such a situation. I assure him that the Government has no intention of treating prisoners unfairly or unreasonably through the parole system. In fact, this Bill tries to assist prisoners even further. The Government is increasing the numbers on the board and we have changed its composition. The whole Committee must agree with

the major change, because the Opposition supported it in regard to the representative of the trade and industrial organisations now being excluded. The Parole Board is not a court, and I point that out to the Hon. Mr. Milne.

The Hon. C. J. Sumner: Surely you can restrict the rights of the Director and the Commissioner of Police.

The Hon. C. M. HILL: The board has before it much evidence which assists the prisoner in obtaining parole. There are many reports prepared on behalf of the prisoners. A prisoner does not have to rely on someone he can take before the board as the only person wanting to help him in these circumstances. Reports are prepared on behalf of prisoners by probation officers and medical and psychiatry people, and friends and relatives can put correspondence and evidence before the board. There is a whole mass of evidence there, working in the prisoner's favour at that time.

When there are all these reports before the board, when the board is constituted in the way in which it is improved by this legislation, and when the board first reads the prisoner's statement and then has the right to see the prisoner personally the Government believes that the prisoner is being treated with justice and fairness.

The Hon. G. L. Bruce: It should be seen to be just and fair.

The Hon. C. M. HILL: It is. I want the Government's point of view to be made clear. It seems to the Government that, in view of all these circumstances, there is no need for this provision to be written into the legislation and, therefore, the Government opposes it most strongly.

The Hon. FRANK BLEVINS: I think that that was a dreadful display by the Hon. Mr. Hill, and I hope that it does not truly reflect the attitude of this Government to prisoners. If it does, it is no wonder that the system is in turmoil. It is surprising if it reflects the Government's attitude, because what it reflects is "You are a criminal and therefore you have no rights." That is what the Hon. Mr. Hill is saying. He will see that when he looks at the *Hansard* proof tomorrow.

What is the argument? The argument is that the Government is introducing a different system of applying for parole. It is saying that the Director, the Commissioner of Police and the prisoner may all apply to the board for parole. We have no argument with that. However, the parties before the board are then not put on an equal footing. The provision allows the Director or any officer of the department authorised by the Directror to put a case on behalf of the department. Already the department has the facility to write letters, collate material, and send that to the board. Also, the Director can go along or send an officer to put the case. With all the expertise of the Police Department, it can prepare a case, or the Commissioner can go along or send an officer to put a case.

What about the prisoner? He may be barely literate, and with no departmental research or assistance whatsoever, all he can do is if he is capable, scratch out a letter and have no right to appear. If that is not a denial of natural justice, I do not know what is. It is completely unjust to have one set of procedures for two parties and a much less adequate system for the person in the least favourable position. I would be happier if both the Commissioner of Police and the department could only send a statement in writing. This already would be heavily weighted against the prisoner, because of the expertise available to prepare the department's case.

I am not going to condemn the department or the police, because they cannot stand up and speak, but if anyone in any way fosters this kind of thing it is not only the Government's fault that the prisons are in turmoil: it is the department's fault also. The department cannot tell us what it is doing, so the Government has to stand up for it. It is putting the prisoner in an even more inferior position.

The Hon. C. M. HILL: I will accept, then, that the three of them be put on the basis that their evidence must come forward in writing to the board, but it does not prevent the board from calling the Director, the Commissioner, or the prisoner to give further evidence. That is the proposition which the Hon. Mr. Blevins has put forward and which I am accepting.

The Hon. FRANK BLEVINS: I understand that there is an amendment before the Committee. If the Minister is enamoured of the proposition I have floated, I suggest that he ask that progress be reported and have a further amendment drawn up on behalf of the Government. We will look at that amendment.

The Hon. K. L. MILNE: I would be against what the Minister has just said, because I think that paragraphs (a) and (b) are correct. It is just that paragraph (c) has got out of focus. I am not fussed about a legal practitioner. What a prisoner perhaps would like to do is produce friends or people who say they would like to have him back. If it could be put on the same basis as paragraphs (a) and (b) I would be happy if progress were reported.

The Hon. M. B. CAMERON: It seems to me that the Opposition and the Hon. Mr. Milne have got themselves into a position where they do not know what they want. This would be about the fourth proposition we have had in as many minutes. The Hon. Mr. Blevins made the direct statement earlier that, when the Minister read *Hansard*, he would know what he had said. The Hon. Mr. Blevins says that, if all people are put on an equal footing, he would be happy. That was a reasonable compromise proposition that the Minister, in a spirit of compromise, was prepared to accept. The whole thing revolves around lack of confidence in the Parole Board, it seems to me.

The Hon. K. L. Milne: Rubbish!

The Hon. M. B. CAMERON: You are saying that the Parole Board is not capable of making an assessment of evidence put before it and that, if there is more evidence on one side, it will give the decision against the prisoner. I am sure that the board will not be too impressed when the members read some of the words that have been spoken in this debate.

The prisoner is a person who is in a slightly inferior position because he has done something that has put him there for a period of time. He has a privilege, not a right, to be able to go before the Parole Board and, on certain conditions, to be able to apply for remission. The Parole Board is set up to properly assess that situation. It does not matter whether the evidence is given in writing or what the waiting time is. The Parole Board will make a proper assessment. However, it should not be the right of only the prisoner to be able to do this in writing. The Hon. Mr. Blevins put up a good proposition that everyone is on an equal footing and that everyone can put a submission in writing. We should have an amendment along those lines, and then we can test it.

The Hon. C. J. SUMNER: We have got to the stage where we know the thinking of all Parties. It is about time we got down to working out the nitty gritty on an amendment acceptable to the Council. We have a basic proposition and I understand Mr. Milne agrees with us. It is not in accordance with the rules of justice to give the right to one person to appear, that is, the Director of Correctional Services, and not give the same right to the prisoner. That is what our amendment is designed to cater for. The question arose that perhaps the parties would be on an equal footing. If there was no right of appearance but a right of accepting a submission, that would be equal

for all people and is worthy of consideration. It was suggested by me and by the Hon. Frank Blevins.

The Hon. C. M. Hill: And I accepted that.

The Hon. C. J. SUMNER: The Hon. Mr. Milne also agrees. We would not like to see the Hon. Lance Milne left out on a limb. My suggestion is that the Minister seek to report progress. We could then sit down with the Minister, his adviser and the Minister in charge of the Bill in the Lower House and come to some compromise without going to a conference. That would be an appropriate way of dealing with the matter if the Minister were prepared to accede to that request. This is the final amendment of any substance and is the last matter to be resolved in the Bill.

The CHAIRMAN: We could proceed with the rest of the Bill. It would then only be necessary to recommit clause 12.

The Hon. C. J. SUMNER: I would prefer to report progress, as I do not wish to withdraw the remainder of my amendments at this stage. If our negotiations do not reach a compromise, I may wish to proceed with my further amendments. However, if we can reach a compromise the rest of the Bill will be a formality.

The Hon. C. M. HILL: I agree that we should report progress, with the objective of having further discussions with members opposite, including the Hon. Mr. Milne. I would like to be able to reach some compromise.

Progress reported; Committee to sit again.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the City of Adelaide Development Control Act, 1976-1978, in a number of ways. It deals with the power to grant temporary approvals and with appeal conference procedures, clarifies certain appeal provisions and improves the ability of the council to have its decisions enforced.

The City of Adelaide Development Control Act was enacted in 1976 as a prototype form of flexible development control legislation which would deal with the City's special nature and problems whilst maintaining the State's interest in development in the City. To date the Act has worked very well and has drawn favourable comment from users and commentators. As with any experiment, however, some modifications are eventually needed and it is this Government's intention to make changes in a systematic, rather than a piecemeal, fashion.

For some time both the council and the City of Adelaide Planning Commission have felt the need to be able to grant time limited approvals to certain uses of land associated with special events or with cases of special need. The Act contains two provisions which could be enhanced by this ability. These are sections 24 and 25. The former is a general provision dealing with application for approval of development whilst the latter section enables council, with the commission's consent, to grant approval for development which does not conform with the regulations but is in accordance with the principles of development control.

Although the council is able to impose conditions under both these sections, it is arguable that it is not possible, by the imposition of conditions, to limit the time during which a development may continue. There are many instances, however, where council or the commission would wish to grant a temporary approval to development that it would not wish to approve on a permanent basis. Special events such as the Adelaide Festival generate a number of temporary uses from tents to street cafes. Persons can become ill and unable to carry out business affairs from their normal office but could carry out restricted activities from their home for a limited period. Development which is not listed as a use for a zone may nevertheless be considered to be in accordance with the principles where it is a temporary use (such as a car park) engaged on prior to the commencement of a listed permanent use (such as an office building). The amendment removes any doubt that the council and the commission have the ability to deal with such circumstances in an appropriate and flexible fashion rather than prohibit them or turn a blind eye to them. A non-renewable time limit has been imposed on temporary development.

The amendment also seeks to clarify or strengthen the Act in a number of areas, one of which is that of enforcement. Under the Act as it stands, magistrates who preside over cases brought under section 23 of the Act may require restoration to its original condition of land on which an unlawful development has been carried out. No provision exists, however, for any remedy of the situation where the development is lawful but conditions imposed are breached. Accordingly, subsections (2) and (3) of section 23 of the Act have been redrafted to enable greater discretion to be exercised and more reasonable remedy given by the presiding magistrate. The amendment also changes the time limit within which proceedings for an offence may be instituted from 12 months after the commission of the offence or to five years after the commission of the offence if the Attorney-General approves the prosecution.

A number of minor changes are made to various appeal provisions in order to strip some procedural red tape from one section of the Act and clarify the meaning of another section. The City of Adelaide Planning Appeals Tribunal is constrained by section 29 of the Act from hearing an appeal until it is satisfied that the parties to the appeal have conferred at a meeting, unless no useful purpose would be served by such a conference. The section as written, however, binds the tribunal, unwillingly, to require that for each conference council must seek the approval by the tribunal of particular persons that it wishes to represent it. Such a procedure involves unnecessary delays and administrative work. The section is also deficient in that no mention is made of the right of an appellant to appoint representatives to a conference.

The amendment resolves both these problems by streamlining procedure and clarifying the position of both parties as regards representation. The other appeal provision amended relates to decisions made by the commission in certain instances. Whilst the commission is subject to the appeal provisions of the Act in relation to its power to make decisions on development referred to it by the Minister or by council, it is not subject to appeal in relation to its role under section 25 whereby it concurs with or disagrees with approval being given to non-conforming development. Not only is the commission not subject to appeal over its failure to concur with a decision made by council but also it is not required to give its reasons for failing to do so, whereas council must inform the applicant of its reasons in writing. The amendment remedies these two deficiencies in the Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3 and 4 make amendments to sections 19 and 20 respectively consequent on the repeal of the existing section 25 (2) of the principal Act. Clause 5 replaces subsections (2) and (3) of section 23 of the principal Act. The existing subsection (2) deems a development to have been undertaken without approval where it is undertaken in breach of a condition. The provision does not work where a condition (such as a condition to terminate a development and restore the land to its original state) is to be performed at the end of the period of the development. The new subsection makes it an offence to fail to comply with a condition and the penalties provided are the same as for the offence of undertaking a development without approval under subsection (1).

New subsection (3) enables a court, when convicting a person of an offence under subsection (1) or (2), to order the person to comply with a condition to which the approval was subject, to restore the land to its original state, to modify a development already existing on the land, or to undertake a new development as prescribed by the court. A recent instance where the last-mentioned power was needed was a development that was approved subject to a condition that a large tree be retained. The developer breached the condition and removed the tree. Obviously, it was then impossible to fulfil the condition, and the court was not prepared to order that the building be demolished. In such circumstances the new power will enable the court to order the developer to remedy the position as far as is possible.

Clause 6 makes a consequential amendment to section 24 of the principal Act. Clause 7 amends section 25 of the principal Act. Subclause *(a)* makes a consequential amendment to subsection (1). Subclause *(b)* replaces subsection (2) with a subsection that makes it clear that the consent of the commission is not required where a development is limited to a period of six months or less.

Clause 8 enacts sections 25a and 25b. Section 25 (1) provides that time limited approvals may be granted for any period up to a maximum of two years. If the period exceeds six months, the consent of the commission is required. The effect of subsection (2) is to ensure that a time limited development cannot continue for more than two years. New section 25b replaces section 24 (5). It requires the council and the commission, when refusing an application for approval or imposing conditions on approval and the Commission when refusing consent under section 25 (1) and 25a, to supply the applicant with reasons in writing. The effect of the amendment and the amendment made by clause 7 to section 28 is that in future applicants will be able to appeal against a refusal of the commission to consent to an approval under section 25 or 25a.

Clause 9, by subclause *(a)*, makes the amendment to section 28 just referred to. Subclause *(b)* makes a consequential alteration. Clause 10 replaces subsection (2) of section 29 with a provision that allows parties at a compulsory conference to be represented by a person of their choice. The existing provision requires the approval of the tribunal for each representative at each conference. This is unnecessary and is very time consuming.

Clause 11 makes consequential changes to section 32 of the principal Act. Clause 12 replaces section 43 (2) of the principal Act with two new subsections. New subsection (2) will allow the commencement of a prosecution for an offence under the principal Act within 12 months of the commission of the offence or alternatively, if the Attorney-General authorises the prosecution, within five years of the commission of the offence. Subsection (3) is an evidentiary provision.

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

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3198.)

The Hon. N. K. FOSTER: I do not think that I need to repeat what has already been said regarding the Bill. The Opposition has no objection to the Bill and wishes it a safe and speedy passage.

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

HARBORS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3198.)

The Hon. N. K. FOSTER: Once again, the Opposition has no quarrel whatsoever with this Bill, the intention of which is to clarify the question of liability where pilots are involved in the movement of vessels.

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

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 25 February. Page 3199.)

The Hon. N. K. FOSTER: The Opposition has no objection to this Bill, and commends it to the Council.

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

SHEIDOW PARK PRIMARY SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Sheidow Park Primary School.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 4 March. Page 3456.)

The Hon. N. K. FOSTER: Once again, this Bill is very brief. It deals with the powers of police inspectors and has the Opposition's support.

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

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 March. Page 3456.)

The Hon. G. L. BRUCE: The Opposition supports what

at first sight I thought was a very innocuous Bill until I read *Hansard* of another place. This Bill gives the board power to do what it should already be doing, and the Opposition has much pleasure in supporting it.

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

WORKERS COMPENSATION (INSURANCE) ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 March. Page 3432.)

The Hon. C. J. SUMNER: (Leader of the Opposition): The Opposition is prepared to support this Bill, which deals with anomalies that the Government has apparently discovered in the legislation that it passed last year to deal with the Palmdale insurance collapse. This Bill would not have been necessary if the Government had placed these provisions in the original Bill, which was rushed into Parliament following the public outcry over Government inaction. This Bill fixes those defects. The Opposition supported the original concept and is prepared to agree to this Bill.

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

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 3 March. Page 3297.)

The Hon. J. R. CORNWALL: The Opposition supports this minor Bill, which removes the onus that is presently on the Minister in regard to the return or otherwise of firearms, and places it at the discretion of the courts. That seems to be a sensible thing to do. It was always undesirable that the Minister should have that discretion, because inevitably all sorts of pressures could be brought to bear in legitimate ways and other ways which were totally unfair to the Minister. I support this wholeheartedly as I have been in the position from time to time, in the brief period that I was Minister of Environment, of having to deal with some of these problems.

I am extremely disappointed that this is all that the Government has been able to introduce. The Hon. Mr. Milne will remember that about 12 months ago or longer I introduced a private member's Bill in this place to prohibit farming in national parks. At that time the Hon. Mr. Milne was inclined to support me, but he was ultimately convinced not to do that because the Minister of Community Welfare, on behalf of the Minister of Environment, gave a clear statement that major—I think he said sweeping—amendments to the Act would be introduced in the next session. By that statement I understood that they would have been introduced between August and early December last year. Those amendments have simply not materialised; nothing has happened.

The Hon. C. J. Sumner: Did the Government obtain the Hon. Mr. Milne's vote under false pretences?

The Hon. J. R. CORNWALL: Yes, and if I was the Hon. Mr. Milne I would be angry. It seems that on that occasion, and it does not happen often, he may have been duchessed by false commitments that have never been met. It is a matter of great concern to me that these major amendments to the Act that apparently had been proposed for a long time have not been presented in this session. It is pertinent that this Bill should come before the Council today, because it is something of a sick joke—apart from taking away the discretion and the decision from the Minister about whether firearms should be returned to offenders and giving that decision to the courts, the Bill seeks to adjust the penalty that applies.

That is a sick joke in the circumstances because, for practical purposes, in the National Parks and Wildlife Service at the moment there is no law enforcement. A recommendation has been made in a lengthy Government document that was the subject of an urgency motion in another place earlier today that one of the ways to cut services and stay within the strict Budget cuts that have been made in the department is to remove law enforcement activities from all areas outside parks. That is 95 per cent of the State.

The committee of inquiry that looked at the survival strategy, as it is known in the service, has said that if this task is undertaken there could be a saving of what they call six man years. I am not too conversant with that jargon, which apparently has been introduced by the plethora of consultants who have been introduced in the past 12 months. It is some sort of euphemism for the word "position". However, they prefer to refer to them in the jargon of man years.

The document spells out clearly that they will have to reduce off-park protection altogether, that there will be no protection of native birds, animals or plants in any of those areas that are outside the parks. This must be particularly disturbing to the Minister of Environment, who last year announced that seven new positions would be created in the inspection service. The Minister made his announcement at a time when there was great controversy in the community about the bird smuggling activities that have been going on.

It is a wellknown fact that South Australia, of all the Australian States, has a rich variety of parrots which are worth enormous amounts of money on the black market. It is also well known that there is a well organised amount of smuggling that goes on in this State. The result of the Budget cuts is that there will be virtually no inspection service over 95 per cent of South Australia. Of course, the Minister was under pressure because of the bird smuggling allegations that were about at the time. He made a public announcement and a press release was produced. It was distributed for general distribution and the Minister said clearly that there would be seven new positions.

Shortly after that I had the first and the only briefing session with the Minister that I had been promised. Members will recall in October 1979 the front page story that the Minister would brief the Opposition spokesman regularly on what was going on in the department. Certainly, that did not last long, but I did have a brief session with the Minister following that announcement about how the inspection was going to be beefed up. I said, "David, you are marvellous, how can you do it, this is small government and you are cutting away the fat and flesh and you are cutting down to the bone. Despite the Budget cuts you are able to make a public announcement that seven new inspectors will be appointed, and furthermore, you have advertised the positions. How did you manage it? Are you cutting out seven positions from other areas?"

The Hon. J. A. Carnie interjecting:

The Hon. J. R. CORNWALL: This is an important matter and, although I realise that I may be preventing the honourable Mr. Carnie from getting away to a meal, I am sorry but I will have to hold him up for a few more

minutes. The Minister said that there would be seven new positions, and they were duly advertised.

Members interjecting:

The Hon. J. R. CORNWALL: This is a conversation that I had with the Minister. It is public knowledge that the positions were advertised. A public announcement was made and a press release was put out. As late as October last year people were then advised to apply for the positions. Even in October last year final-year students at Salisbury C.A.E. were being advised by departmental officers to apply for the positions because the vacancies would be filled. Then the service was told by the Minister that the positions would have to be filled from within the existing staff establishment, that they were not to be new positions at all, that they could only be made up by chopping out seven positions elsewhere in the department, and that the department was already grossly understaffed.

There were no surprises—no appointments have been made, but I now mention the important thing. Despite the great nonsense about the major new decisions, despite the statement that, under former Superintendent Steve Tobin, there would be a beefing up of the inspection service, when people had taken the Government at its word that it was going to solve the problem and beef up the present system, when the decision was taken that it could not be done, there was no announcement at all. No public announcement was made and there was no withdrawal from the Minister's earlier declared position.

I want to turn to another matter that directly concerns the inspection service. It is appropriate that I should raise it now, because the duck season is with us again. Last year, because there were inadequate inspection services at Bool Lagoon, hundreds of freckled ducks were slaughtered there. This year, the department has deployed 12 inspectors at Bool Lagoon. However, so light on are they on the grond staff, this means that there will be only two people there for the entire Upper and Lower South-East. On duck opening morning, for that entire South-East of the State, there will be only two inspectors.

That makes a joke of the licensing and of the whole inspection service. The irresponsible shooters must be laughing their heads off. The position has been clearly reached where the National Parks and Wildlife Division is in crisis. "Crisis" is not too strong a word. Decisions within the department have been held up and enough people outside the department know about these delays for many South Australians to be growing anxious, to put it mildly. I know that, from the number of people who are continually telephoning me and writing to me.

Rangers (and this is directly related to the Bill) are being worked absolutely beyond endurance, or the small number who are left are having that happen to them. From the information I have received, they may well be finally forced to take some industrial action. If that occurred, I would hardly blame them. Decisions not being made by the Minister of Environment are having serious consequences for our parks and those who use them for outdoor recreation, scientific purposes, and tourism.

At this time the parks service faces larger problems with smaller resources. If the Minister does not respond to the charges now outlined and actively bieng discussed within a perturbed conservation movement, not easily given to over-reaction, what is left of his credibility will vanish altogether. Given over-reaction, I believe that the whole system of inspection and the whole national parks system may be in danger of breaking down. Having made those remarks, I support the Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): As I have said, the Bill deals with two matters, namely, confiscation of firearms, and penalties. The National Parks and Wildlife Act is still being reviewed. In the meantime, it has become necessary, as a matter of urgency, to resolve the matter of confiscating firearms for the reason the Hon. Dr. Cornwall has mentioned, namely, that unreasonable pressures are sometimes brought before the Minister on this matter and these things can be more appropriately dealt with by the court.

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

ELECTORAL ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

COMMONWEALTH DAY

The House of Assembly transmitted the following resolution, in which it requested the concurrence of the Legislative Council:

> That this House resolves to acknowledge the significance of Commonwealth Day on 9 March, extends to the people of all nations of the Commonwealth its warm greetings, and expresses the hope of all South Australians that the Commonwealth shall continue successfully to provide a common bond, dedicated to peace and human advancement, for people throughout the world.

The Hon. K. T. GRIFFIN (Attorney-General): Mr. President, it is on such occasions as are presented by this motion, and on Commonwealth Day especially, that Australians and all other member nations of the Commonwealth are reminded of their historic affinity. It is a time, also, to reflect upon the service which that affinity continues to offer the world in modern times, for, despite the differences of culture and language, and despite the vast distances that separate us, there remains a common and active resolve amongst member nations to serve the interests of peace and international goodwill.

To members of Parliament, the Commonwealth's relevance to modern times, its readiness to pursue the objects of universal advancement, and its willingness to assist developing countries are constantly evident in the activities of the Commonwealth Parliamentary Association. But at the highest level also, in the Commonwealth Heads of Government Conferences, through the continuing activities of the Commonwealth Secretariat and through many cultural and professional organisations, member nations are contantly working together to achieve the worthy ideals of world-wide co-operation and brotherhood.

To paraphrase Macaulay, "The history of the Commonwealth is emphatically the history of progress", for out of what is now an outdated concept of empire has evolved a valued sense of common purpose, equality and freedom which is unique in world affairs. As Her Majesty the Queen of Australia, in her capacity as Head of the Commonwealth, said last year:

> The new decade urgently calls for renewed efforts to tackle the many problems troubling the world—efforts which demand vision, effort, dedication and co-operation.
>
> The Commonwealth alone does not have the answers to these problems, but it can play a part in helping the world to find them. In 1979, at Lusaka, and since then, the Commonwealth has shown its vigor and usefulness. Through their collective efforts, Commonwealth nations have helped to promote peace and enlarge freedom. By being committed

> to these goals, and being ready to work together to achieve them, they have shown that the Commonwealth is a resource for the world's good. The challenge to us is to strengthen that capacity and to put it to good use for the peoples of the Commonwealth and, most of all, for our young people.

There is little I can add. I commend the motion to the Council.

The Hon. C. J. SUMNER: I am happy to second the motion and, on behalf of the Opposition, to support the sentiments expressed therein. The motion is one which has been passed in the House of Assembly and which, if passed in this Council, will be a unanimous expression of the support for Commonwealth Day and all that goes with it. The Commonwealth is a curious organisation in world affairs in that it cuts across geographical, religious and racial boundaries. It seems that it has no real guiding force and unity except the connection that the various countries had with the British Empire.

Since these diverse nations came together under the authority of Great Britain, all nations have undergone considerable change. The United Kingdom has entered Europe, and Australia has to a considerable extent cut its ties with the United Kingdom and has become much more a multi-cultural society than it was before the war. Canada has had a similar experience, and both countries have become much more concerned with the countries of their regions rather than the United Kingdom. The African countries involved in the Commonwealth have cut their ties with the United Kingdom and, in general, both African and Asian countries have joined a non-aligned group in world affairs. For that reason, I say that the Commonwealth is a curious organisation. The question is often raised as to how such a diverse group of countries can maintain themselves together in this organisation or, indeed, what purpose such an organisation achieves. There seems to be no unity in terms of geography, race or religion, but nevertheless the Commonwealth does survive. The Hon. Mr. Blevins has pointed out that there is one common thread and that is that most people in the Commonwealth are associated with the game of cricket.

The Hon. Anne Levy: Not the Canadians.

The Hon. C. J. SUMNER: Except the Canadians. Whilst the Commonwealth does not have a great deal of unity in world affairs, it does provide a forum for a discussion across the many boundaries of race and religion and, more importantly, should provide an avenue for aid, development and co-operation between the various countries that make up the Commonwealth despite that diversity of geography, race and religion. It also has diversity between the developing nations and the developed nations.

The Commonwealth is criticised from time to time but in general the organisation has survived in the way I have described. It does play at least some role in world affairs, particularly as an organisation which can produce an exchange of views but, more importantly, where concrete programmes can be worked out for aid and co-operation. I would hope that that is the sort of emphasis that the Commonwealth would have in the future. I support the motion.

The Hon. K. L. MILNE: I would associate the Australian Democrats with this motion, especially my colleague Mr. Millhouse and myself. Having lived so many years of my life in the centre of the Commonwealth, I assure members that it does have the functions which have been laid down in this resolution. It is a tremendous thing for us to remember that the Commonwealth remains after all the nations were given an opportunity to leave it. Sadly, one country did leave, but the Commonwealth is still very much the same and very much an operating group of nations. The privilege of having lived in the centre of the Commonwealth for so long gives me confidence that it will go on for some time. One only has to live in London to see the number of conferences that take place and the amount of work done by the British for other nations of the world. I was certainly sad when Britain joined the Common Market, but it did so to try to prevent several wars amongst white Christians. However, our affection still remains, or at least mine does, for the British people, and I am only too happy to be associated with this motion.

Motion carried.

PUBLIC SERVICE ACT AMENDMENT BILL

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It is a common law principle of many years standing that, where employees are not prepared to carry out duties as directed, the employer can refuse to pay them, that is the "no work as directed, no pay" principle. Because it has been held that the Public Service Act and regulations comprise a complete code of conditions for Public Service officers which may over-ride common law principles, Executive Council on 6 December 1979 approved of the inclusion of regulation 16A in the Public Service regulations providing for the "no work as directed, no pay" provision.

It is now considered preferable and more appropriate for this provision to appear in the Public Service Act rather than the regulations under the Act. I must emphasize that this amendment to the Public Service Act replaces an existing Public Service Act regulation. It is my hope, of course, that public servants will continue to maintain a responsible attitude to their work and the service they provide to the taxpayers and that this provision need not be used. Of course, if essential services are being affected by industrial action, it is right and proper that those undertaking that action should not be paid their salary whilst that action continues.

However, should industrial action be taken by public servants, the same provisions should apply to them as that which applies to all other workers, that is, "no work as directed, no pay". I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts new section 36a of the principal Act. New subsection (1) provides that if an officer refuses or fails to carry out duties that he is lawfully required to perform, the board may direct that salary be not paid on the day or days on which he refuses or fails to carry out those duties, or persists in the refusal or failure. Subsection (2) makes it clear that the direction may be given where the officer reports to work and is prepared to carry out certain duties, but not others. Subsection (3) provides that the direction is not subject to appeal or review and may be given notwithstanding the provisions of an industrial award or industrial agreement. Subsection (4) defines a "day" for the purposes of the new provision as including a part of a day, and defines "salary" as including prescribed allowances.

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

PRISONS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).
(Continued from page 3550.)

Clause 12—"Repeal of ss. 42k to 42n and substitution of new sections."

The Hon. C. J. SUMNER: I seek leave to withdraw the amendment that I have moved, namely, to insert new subsection (3) after line 26.

Leave granted; amendment withdrawn.

The Hon. C. M. HILL: I move:

> Page 9, after line 26—Insert new subsection as follows:
> (3) Where, in any proceedings before the board, the Director, an 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 appear before the board for the purpose of making submissions.

This amendment deals with the matter that was raised earlier in today's debate. As a result of this amendment, the three parties involved (the Commissioner of Police or his deputy, the Director or his deputy, and the prisoner) will be able to make their submissions in writing to the Parole Board. Then, if the Director or his deputy or the Commissioner of Police or his deputy appear before the Parole Board, the prisoner who is subject to the proceedings will also be able to appear before the board for the purpose of making submissions.

The Hon. C. J. SUMNER: I am pleased to see that we have been able to reach a compromise on this matter. The Opposition's proposition was that, in the interests of natural justice, all the parties that might like to put submissions to the board ought to be able to do so on the same basis. The amendment achieves that end and ensures that the Director, the Police Commissioner and the prisoner can in the first instance make written submissions to the board.

If the board decides to call the Director of the department, the Commissioner of Police or their representatives before it, the prisoner concerned ought also to be given an opportunity to appear before the board. As that places all the parties on an equal footing, the Opposition is prepared to support the amendment.

Amendment carried.

The Hon. C. J. SUMNER: My foreshadowed amendments to lines 27, 28 to 29, and 30 on page 9 are consequential on other amendments that have alredy been dealt with. Accordingly, I do not wish to proceed with them.

Clause as amended passed.

Clause 13 passed.

Clause 14—"Insertion of new Part IVB."

The Hon. C. J. SUMNER: The amendments to pages 9 to 11 are in the same category, and I do not intend to proceed with them, either.

Clause passed.

Clause 15—"Punishment."

The Hon. C. J. SUMNER: The amendment to line 32 on page 11 is also in the same category, and I do not intend to proceed with it.

Clause passed.

Clause 4—"Interpretation"—reconsidered.

The Hon. C. J. SUMNER: As my amendments to this clause are not now relevant, I do not intend to proceed with them.

Clause passed.

Title passed.

Progress reported; Committee to sit again.

[Sitting suspended from 6.30 to 8.15 p.m.]

Clause 12—"Repeal of ss. 42k to 42n and substitution of new sections"—reconsidered.

The Hon. C. M. HILL: I move:

> Page 9, lines 18 and 19—Leave out "as he thinks fit, either before the board or in writing" and insert "in writing as he thinks fit".

There has been a lot of discussion about this clause today. The general compromise forged in the discussion between the Opposition and myself is acceptable to all parties.

Amendment carried.

The Hon. C. M. HILL: I move:

> Page 9, lines 22 and 23—Leave out "as he thinks fit, either before the board or in writing" and insert "in writing as he thinks fit".

This amendment is part of the same arrangement.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 3557.)

The Hon. J. R. CORNWALL: The Opposition has no difficulty in supporting this Bill. I was interested and pleased to hear the Minister say in his second reading explanation:

> To date the Act has worked very well and has drawn favourable comment from users and commentators.

I thank the Minister for that. There is no doubt that this Bill will stand as a monument to the former Minister of Planning, Hugh Hudson. This was a venture in the planning field that involved the very best aspects of co-operation between the State and the City of Adelaide. I am sure that the Hon. Mr. Hill will be one of the first to applaud the way in which it has worked. I am sure that he, like myself, will pay due tribute to Mr. Hudson.

The Hon. C. M. Hill: I think I would give most of the credit to the architect, Mr. Roche.

The Hon. J. R. CORNWALL: The Minister should not carry on like that. Mr. Hudson was one of the finest politicians this Parliament has seen over the last 20 years. The Hon. Mr. Hill is not giving credit where it is due. The Opposition is able to support this Bill so enthusiastically because many of the amendments were draftered when the Labor Party lost Government. In fact, Mr. Payne was working on them deligently in August and early September 1979. I am a little suprised that this Government has taken so long to bring them before Parliament. The Opposition enthusiastically supports this Bill.

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

SELECT COMMITTEE ON THE ASSESSMENT OF RANDOM BREATH TESTS

The Hon. M. B. CAMERON: I move:

> That the Select Committee on the Assessment of Random Breath Tests be revived for the purpose of considering draft legislation.

Motion carried.

The Council appointed a Select Committee consisting of the Hons. Frank Blevins, G. L. Bruce, M. B. Cameron, L. H. Davis, R. J. Ritson, and C. J. Sumner; the quorum of members necessary to be present at all meetings to be

fixed at four; Standing Order No. 389 to be so far suspended as to enable the Chairman to have a deliberative vote only; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 2 June.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 4 March. Page 3431.)

The Hon. ANNE LEVY: In speaking to the second reading of this Bill, I will make my remarks fairly brief as we have already in this session of Parliament considered legislation regarding non-government schools. It is perhaps worth looking briefly at the history of this legislation. The Labor Government introduced legislation so that non-government schools could be registered by means of regulations, but before the regulations could be issued there was a change of Government. The current Government decided that registration of non-government schools would be better achieved by means of a board to register non-government schools and so it brought in legislation at the end of Novembr last year.

I certainly have no quarrel with its setting up a board. There are boards for registering non-government schools in New South Wales, Victoria and Tasmania, and for South Australia to conform to this practice would seem eminently sensible. However, the legislation which was introduced last November seemed to us to have a number of defects. A number of amendments were moved in another place which were accepted by the Government. It was then considered that adequate legislation for this purpose had been achieved. However, that legislation has never been proclaimed although it has received Royal Assent. We now have before us a Bill which will turn back the clock virtually to the legislation that was introduced last December before it was amended. I am somewhat surprised that Standing Orders permit consideration of what is really the same matter twice within the one session.

I would have agreed that the form of the Bill before us is not identical to that which was introduced before: it is amending what was passed last December, but it is certainly legislation dealing with virtually the same matter. Since that legislation was passed, but not proclaimed, there have been various moves to turn back the clock and remove some of the amendments that were accepted by the Government in December. The full story of this probably needs a historian with a great deal of ingenuity, but there are certainly many rumours around as to what has occurred in the intervening time.

There are stories about the Minister having obtained advice as to the amendments moved by the Opposition and accepted by him, and it has certainly been said, in many places, that he consulted with Dr. Keeves, who is conducting a full-scale and far-reaching inquiry into education in South Australia. We are certainly promised that the report of the Keeves inquiry, when the committee reports in a few months, will be a far-reaching one, which is expected to be as important to the history of education in this State as the Karmel Report was 11 years ago.

One of the stories which is current is that Dr. Keeves, when consulted, agreed completely with the amendments moved by the Opposition. I say that this is a story because I had no confirmation of it, but neither has there been any denial in any quarters. Furthermore, there are stories around of the Keeves Committee having considered this matter and having been instructed not to submit its opinions on the legislation and to excise that part of its report relating to the registration of non-government schools.

Whether these stories are true or not, we do not know, but when the Keeves Report finally appears it will be interesting to see what comments, if any, it makes regarding the registration of non-government schools. The Minister has already assured me in this Council that the Keeves Committee is perfectly competent to look at non-government schools, that they fall within the terms of reference of the committee, so one might well expect comment from it on this aspect. As I have said, we will be very interested to see what the Keeves Committee reports on this matter, if anything. I should add that one rumour going around is that—

The Hon. J. C. Burdett: You have a lot of rumours, haven't you?

The Hon. ANNE LEVY: I certainly have not initiated any rumours but these rumours are rife and can be heard in many quarters. As I have said, none of them has received any official denial. One rumour that is current is that the Minister of Education would have been happy to accept the legislation as it left the Parliament but, while he was absent at a conference interstate, certain people saw the Premier, as a result of which the Minister was instructed that he must change the legislation. Again, I do not know whether such a rumour is correct but I repeat that it has not been denied.

We have before us legislation that is virtually to turn back the clock to where it was at the beginning of December, when it was first introduced. I may say that, of the six amendments which the Opposition moved and which were accepted then, two are to remain. The Government has been convinced that those two are desirable and necessary, but the Bill before us is to reverse the other four.

The PRESIDENT: Order! I notice in the gallery members of the European Parliamentary Delegation and I extend to them on behalf of all honourable members a very cordial welcome. I ask the Minister of Local Government and the Hon. Dr. Cornwall to escort the leader of the delegation, Mr. Muntingh, to a seat on the floor of the Council.

Mr. Muntingh was escorted by the Hon. C. M. Hill and the Hon. J. R. Cornwall to a seat on the floor of the Council.

The Hon. ANNE LEVY: In speaking on this Bill, I do not feel that I need go into the reasons why registration for non-government schools has been suggested. I did discuss this matter in the debate on 3 December (therefore, very recently), and, in fact, the registration of non-government schools has been requested by the non-government schools themselves, the organisations that they have formed, and the Government committees to recommend grants for non-government schools have all recommended that a registration procedure should be established, so the reasons need hardly be canvassed now.

I should emphasise, as the Government has emphasised, that registration of non-government schools is not in any way control of those schools. The non-government schools in this State contribute a great deal to the education of the children of South Australia. They are part of the education system and no-one would quarrel with either their existence or the job they are doing.

However, I will be moving some amendments, as I feel that the legislation brought forward by the Government is lacking in certain respects. While it is true that non-government schools educate 20 per cent of the children in this State, it is also true that the State and the Government have a responsibility to see that all schools are providing adequate education for our children. I think this point has

been well made by the President of the Institute of Teachers, and I should like to quote a few words of what he has said, as follows:

> The State of South Australia has declared that education will be compulsory for students between the ages of six and 15 years. In the sense that non-government schools satisfy the requirements for compulsory attendance, then those schools are agents of the State.

I heartily endorse those sentiments and, if the non-government schools are agents of the State, they are agents of the State in fulfilling the requirement that all children be educated. It is a responsibility of the State to see that adequate education is provided in these schools and I am sure that one can state this as an important principle without in any way suggesting that that is not the case at present.

The amendments that I will be moving later differ somewhat from the amendments that were moved in December, partly because the Government has not accepted them and wishes to reverse them. However, the amendments I will be suggesting still underline the important principles that our earlier amendments contained. By acknowledging that the Government has a responsibility to see that all children in the State are adequately educated, it is important that the board that registers schools should be seen to be a fair and unbiased body. The amendments that the Government is proposing will result in a board for registration of those schools that contains four representatives from non-government schools and only three other representatives.

The Hon. C. M. Hill: What's wrong with that?

The Hon. ANNE LEVY: I am in no way impugning any representatives that the non-government schools may choose to put on this board when I suggest that this will mean that the majority of the board is not composed of people nominated by the Minister. The majority of the board would be nominted by non-government schools, and the Opposition feels that this is a negation of the Minister's responsibility to see that all children in the State receive an adequte education.

Our previous amendments had suggested that the board should consist of five members only, two from the non-government schools and three nominated by the Minister, but it has been put to us that the non-government schools would very much wish to have four members on the board, that there are divisions within the non-government schools, that there are different types of school, that there are large wealthy ones, small systemic ones, and independent ones, both large and small, and that to adequately represent these diverse interests among the non-government schools it is necessary that they have four members on the board.

I accept this argument completely and the Opposition is quite happy to have four members from the non-government schools as members of the board, but we still feel that there is the important principle that the Minister should have ultimate responsibility for all children in the State and, because of this, the majority of the board should not be composed of people who are not chosen by the Minister.

Therefore, I will be moving an amendment to provide that the size of the board be increased to nine so that the people nominated by the Minister can form the majority of the board. There is only one small constraint on the Minister as to whom he nominates and that is that one person he nominates must be a member of the Education Department and I am sure that no-one has any quarrel with that. He can nominate anyone he wishes on the board. As the majority will be nominated by him he then bears the responsibility, as indeed he should, for the education of all children in this State. As was indicated in my speech on 3 December, that is not an unusual approach to take.

In fact, in the three other States where there are registration boards the non-government school representatives form the minority. In Victoria the board for registering non-government schools has nine members: four from the non-government sector, four from the Education Department and one from a university. In Tasmania the board which registers schools consists of 10 individuals: three from the non-government sector, three practising teachers, one pre-school representative, one university representative and two from the Education Department. Again, the non-government sector forms the minority. As in Victoria, the tertiary sector plays a part. In New South Wales the major registration board is that which registers non-government schools for the purpose of awarding the higher school certificate. In New South Wales the board consists of five members: two from the non-government sector, two from the Education Department or Government schools, and one, holding the balance of power, from the tertiary sector. At the moment it is a representative from a college of advanced education.

It seems that it is very important that a majority of the board should be people nominated by the Minister so that he retains the responsibility for the education of all children in the State. In the three examples I have quoted, the involvement of someone from the tertiary sector indicates that not only is justice done but it is seen to be done. One has the balance of power on the committee being held by someone who can act as a neutral umpire and is in no way concerned with any Government *versus* non-government factions which may be going on, who is from outside the school sector whilst still vitally concerned with all education matters in the State. That is one reason why I will move one of the amendments.

The consequential amendment relates to the size of the quorum, which would be one more than half the membership of the board. We have realised that by enlarging the board to nine with the non-government sector represented by four individuals, a quorum of five could result in a duly constituted board making valid decisions without any member from the non-government sector being present. This would be extremely undesirable and therefore the amendment I will move is that, although the quorum should be five, at least two of that five must be members from the non-government sector so that the five nominated by the Minister could not form a valid quorum on their own. It seems perfectly reasonable that members from the non-government sector should be present at any duly constituted meeting of the board. The other amendment refers to the conditions under which non-government schools are registered. It is fairly complicated.

Last December's legislation sets out that, in registering a non-government school, the board may impose conditions as it sees necessary. It does not say that conditions must be imposed; it only says that it may impose conditions. So, non-government schools could be registered with conditions or without conditions. As there is no grandfather clause in the legislation it will mean that the hundreds of existing non-government schools will all have to apply for registration and it may well be, as they are perfectly adequate and satisfactory schools, that they will receive their registration rapidly and without any conditions being imposed.

Further in the legislation come situations of control which the board can exercise in the cases (and I hope very rarely, if ever) where a non-government school may let its standard drop and may become entirely inappropriate and inadequate. Under the legislation, if the school is not

keeping to any of the conditions which have been imposed at the time of registration, the board can step in and can either insist that the conditions be adhered to or that the registration be lost. However, if no conditions were imposed initially, the board would have no power. The standards of the school could alter as could its ownership and its whole philosophy and it could be providing an education which is quite substandard and unsatisfactory. The board would have no power to intervene.

The Hon. R. J. Ritson: Can you give us an example?

The Hon. ANNE LEVY: I am not talking about a specific case.

The Hon. R. J. Ritson: Then why legislate?

The Hon. ANN LEVY: We do not draw up legislation for what is existing presently. We are often told that our legislation has to cover all possible contingencies, however unlikely.

The Hon. R. J. Ritson: Once the need to legislate arises you must do it properly but we do not have to legislate for all possible contingencies.

The PRESIDENT: Order! The Hon. Dr. Ritson will have his turn.

The Hon. ANNE LEVY: We have legislation to register non-government schools. They are the people who have asked for it. Because a non-government school may let its standard slip and become quite substandard (and I am not suggesting that that may happen tomorrow—it may be in 20 or 50 years time, hopefully never), we must cover all contingencies.

If such standards dropped, and no conditions were imposed initially, the board could do nothing. Last December our proposal for getting around this was to suggest that registration should last for five years only, so that every five years the board would be able to see whether standards were being maintained and, if they were not, action could be taken. However, the Government does not like this, and I can appreciate that putting a period of five years on the registration time can in some cases lead to difficulties. It may make it very difficult for a non-government school to get credit if it has only another three years of existence guaranteed.

The Opposition amendment is not to have periodic registration but to have registration as a once and for all thing and to enable the board to vary the conditions at different times if it feels that that is necessary. So, if a school received registration this year with no conditions attached, and it was found in 20 years that its standards had fallen and that it had really become quite substandard and inimical to the proper education of its students, the board could step in and draw up conditions that that school would have to meet if it was to continue as a school.

This is the Opposition's second amendment to clause 5 which would enable the board at any time that it was considered necessary to vary or impose conditions where none had been imposed before. It seems to me that this is a very reasonable amendment. Without it, if a school is registered now, once and for all with no conditions attached, the board will no longer have control over that school or its standards. There would be no way in which the board could step in after, say, 20 years or 50 years if a substandard education was being provided.

This provision should not prove onerous to the non-government sector, which is as keen to maintain its standards as are the Government schools. I certainly would not want my remarks to be taken as suggesting in any way that these are not very responsible people who are concerned with the education of the children in their care. However, as I said earlier, all contingencies should be allowed for, and who can predict what may happen to a school in 20 or 30 years?

There has been talk in various places of schools being set up or brought out by groups, which could lead to undesirable schools or schools with standards that would not be accepted in Australia today. There was talk in another place about schools being set up by the Moonies. Other people have suggested that schools be set up by the Red Brigades.

I do not wish to impugn any of these people, but I am sure that anyone could have their pick regarding schools which, if they were set up, might need examining by the board to ensure that standards were maintained, and that proper education was being provided in them. If a school had been set up initially with no conditions imposed, under the Government's legislation no variation of conditions would be possible, and the board would not be able to step in and do anything about these schools.

I might also add that another amendment which was accepted by the Government in December and which it now wishes to repeal refers to prescribing a fee for registration. The Opposition will not propose that amendment again. It is obviously not acceptable to the Government. This is probably a fairly trivial matter. One might be thinking of a fee of, say, $5 or $10, which is really a trivial sum and not worth either the Government or the schools getting uptight about. It is certainly not worth insisting that there be a registration fee.

In summary, I certainly support the second reading. This is necessary legislation which the schools are anxiously awaiting and which they expected to have in operation last December. It is because of a change of mind, philosophy and opinion, and plain tub-thumping on the part of some people, that the schools have been denied the benefit of this legislation for 2½ months.

The Opposition certainly wants to see the Bill pass as soon as possible because it will certainly benefit the non-government sector. The sooner that it becomes law the better. As I have indicated, the Opposition believes that there are two inadequacies in the Bill, and we will move in Committee to amend the Bill to make it even better.

The Hon. R. J. RITSON: I am reminded of the story about the blind man hanging on to an elephant's leg and trying to describe an elephant, and another blind man feeling its trunk and describing something different. Never have I heard a descriptive situation so widely different from what it really is than what I heard from Miss Levy.

For my own part, I would be quite happy to see no board and to see any control, if it is necessary, being Ministerial control, with an advisory board rather than the creation of a new, independent QANGO. However, I accept that it is to be in that form, because I accept the Hon. Miss Levy's statement that the schools want it. What I do not accept is that they were denied it because of our changes. They were denied it because of the Labor Party's amendment.

The Hon. Anne Levy: Which the Government accepted.

The Hon. R. J. RITSON: It was an agreed Bill in the form in which it came into another place.

The Hon. Anne Levy: The Government accepted the amendments.

The Hon. R. J. RITSON: I have spoken at length with a number of people on the Catholic Schools Commission who have told me that they have been negotiating for this Bill for several years, first, with the former Minister of Education and, secondly, with the present Minister. The form in which the Bill was introduced in another place certainly had the agreement of the Catholic Schools Commission and possibly, on my information, that of the other non-government schools. It was with utter surprise that they discovered that it had been amended. I will

return to the question of the amendments a little later.

For my own part, I would be happy to see the Minister continuing to have Ministerial authority, and to have the meaning of the words referring to approved schools refined in the principal Act, perhaps even with an advisory board to assist the Minister. However, it was not so, because the question of creating a board was in train before this Government came to power. The whole intention of it was that it was to involve self-regulation. It was to be peer group control. There never was and there is not by the Hon. Miss Levy's own admission any need for imposed regulation. This is a schools system which provides manifestly better results than Government schools and which Miss Levy—

The Hon. Anne Levy: That's a bit rough.

The Hon. R. J. RITSON: I think you will find it is true.

The Hon. Frank Blevins: It depends what you call results.

The Hon. Anne Levy: It depends more on the criteria you are using.

The PRESIDENT: Order! The Hon. Anne Levy has already spoken.

The Hon. R. J. RITSON: When Miss Levy was speaking she said several times that there was no present defect in the system, but she wishes to control the system in case a group should start a school which is a bit way out, or in case a presently existing satisfactory school should degenerate. Of course, the movement to private schools from the State sector at the moment is evidence of the public's evaluation of the system. Schools which degenerate, of course, will not attract pupils. They will not encourage people to make a financial sacrifice to send children there. Indeed, I might say that, if you have to search the educational highways and byways to find a tiny handful of instances of perhaps a dozen or a few dozen children in private schools who may be badly taught, you can do that much more so in the State system. For every poor or inadequate teacher in private schools there is at least one in the State schools. The first issue is that these schools thought they were getting a peer group review agency. They did not think they were getting Government control. What they got was an independent board which could form a quorum without any of their delegates on it. That is what they got.

The Hon. J. R. Cornwall: It was Roger Goldsworthy's fault.

The Hon. R. J. RITSON: No, I will come back to that. Part of it was my fault.

The Hon. Anne Levy: I didn't know you were a heavyweight.

The Hon. R. J. RITSON: I will come back to it later.

The PRESIDENT: Order!

The Hon. R. J. RITSON: Mr. President, as Miss Levy mentioned, there are divisions and groupings within the private school system. I know from my own experience within the Catholic schools system that you have a diocesan group of schools which is administered in one way and functions in one way, and you have a group of independent schools run by religious orders. Even within each system you have two approaches to education. You have the comprehensive philosophy, with some schools and curriculums moving in that direction, and you have other schools that are more classically scholastic; some schools still like to teach Latin and subjects like that. I know that the entire Catholic Schools Division has been worried (and certainly the Hon. Miss Levy's amendment does address itself to this matter) that only one of these approaches was going to be represented on the board. They are afraid about control because the board can control curricula, and the conditions can be laid down—a central control of curricula by the Government. I understand, correct me if I am wrong, that even in the State system the Minister cannot direct as to curricula. The Education Department is fairly free of Ministerial direction as to curricula and it is a matter of policy that the individual schools are autonomous as to curricula.

There was an example in New South Wales, which the Hon. Miss Levy was at pains to point out, where there is a majority of Government appointees on the board. There was a case where a school was directed to place in its library a certain book which it did not want to have in its library.

Frankly, these people who spent so much time negotiating with Governments, believing that they were to get a peer group organisation by which they were to regulate themselves with the Government as a partner, but not with the Government as a group which could sit without them and control them, got this QANGO. I urge the House to turn the clock back to that agreed Bill. The amendments of Miss Levy perhaps go part of the way towards the original Bill. They do give, perhaps, a diversity of representation on the board and they do avoid the total control of the State without any representation of private schools that would have been possible with the previous quorum arrangement. That is something of a face-saving operation, but still does not go back to the point which was reached and agreed upon.

I must take some of the blame for what happened because I knew that the Ministers at that time were, first of all, not thinking in terms of State control. They were quite innocent. Liberal people do not notice the seeds of State control in a Bill—they are not taught to think like that. When the previous Bill was before the Chamber, it was very late at night and people connected with the passage of this legislation were being distracted by lobbyists and phone calls. When I saw the Bill, I had only a couple of minutes to think about it. I flipped through it and noticed this reduction in representation of what was to be a peer group board, and I did not do anything about it. I did not draw it to the attention of my front bench members who were speaking on other matters, and I blinked, and the Bill was passed. I regret that very much. I have no less responsibility than anyone else in this Chamber to speak up on a matter about which I have some understanding. I apologise to the House for that oversight on that occasion, and I accept some of the blame for allowing the Bill to pass in that form.

I say that, first, there is no need for control of these schools. I believe that the private schools are genuine but misguided in believing that there is such a need. I believe that if ministerial approval were perhaps more accurately defined in the Bill that would have been a better way to deal with the matter. However, given that the schools wanted a board, they should be given a peer review board and not a Government-controlled board. I urge members, and I beg the Hon. Mr. Milne, to consider giving those schools the Bill which they believed they had negotiated with the Government and agreed to, in much the same way as people believed that the Pitjantjatjara Land Rights Bill was an agreed Bill. They are happy with peer review with a substantial Government influence but not happy with a QANGO that is Government dominated.

The Hon. C. M. HILL (Minister of Local Government): I thank the two speakers in this debate for their contributions. Perhaps I should refer to some of the earlier phases of the Hon. Miss Levy's speech when she talked a lot about rumours that she had heard and rumours involved in this issue. From the Government's point of view, we have been perfectly frank and open about the

whole matter. Indeed, I will be quite frank and say that we have been perfectly open about the whole problem, because it has presented the Government with a problem. As the Hon. Miss Levy said, and as other honourable members know, this legislation, in general terms, does away with amendments that the Government agreed to in another place late last year. When I introduced this Bill I emphasised the frankness and honesty with which we were doing just that, and said that we sought the support of this Council. On that occasion, I said:

> Its purpose is to amend the provisions for the registration of non-government schools. A Bill was before this House last December, and certain amendments proposed by the Opposition in the House of Assembly were accepted in good faith by the Government. Subsequently, representatives of the non-government schools expressed concern with those amendments. The Act has therefore not been proclaimed, and the purpose of these amendments now before the House is to restore the Act to the form of the original Bill.

We are not trying to cover up anything. As I said, we are being perfectly frank and open. I stress that it was never the Government's intention that the new legislation should be enacted primarily to control existing independent schools; it was never the Government's original intention to control Catholic and non-Catholic private schools. The spirit of intention in this legislation is to control the possible proliferation of new independent schools. That is the group of schools that the Government is concerned with. We want to ensure that those schools are functioning properly before they are granted unrestricted registration.

Once again I am being frank when I say that independent schools were very upset, and I am particularly referring to the Hon. Miss Levy's remarks, when the Australian Labor Party and its amendments altered the spirit of the original Bill. After that Bill passed, the independent schools asked the Minister of Education not to proclaim the Act but to amend it so as to remove the existing controls that might be misused against them at some time by an unsympathetic Government. I am not attempting to cast any aspersions on any political Party or future Government, but that is what the independent schools asked of the Government.

The Government's intentions were not questioned in relation to the amendments that have been agreed, but the independent schools were concerned about the future. The amendments before the Council restore the Bill closely to its original form and spirit, and that is why the Government brings this legislation to this Chamber and asks the Council for support.

The other matter raised by the Hon. Miss Levy, which has some merit, was that she wanted to pave the way in case any unforeseen problems occurred. Of course, all Governments have the right to legislate at any time. If there happened to be a particular independent school that was adopting policies that the department or the Government generally did not agree with and thought were not in the best interests of the pupils attending that school, the Government of the day could legislate to impose some controls in that area. This is the situation in which the Government finds itself. I am not criticising the Hon. Miss Levy for wanting, in effect, to retain amendments which her colleagues in another place successfully moved late last year.

The Hon. Anne Levy: These amendments are different.

The Hon. C. M. HILL: They are not that different, are they, let us face it. In the main, I think it is reasonable to say that they are the same.

The Hon. Anne Levy: It's a very different change from five years to indefinite.

The Hon. C. M. HILL: No, they are not identical, but I have a slight suspicion that they have not been put forward in an identical way with the intention of making it look as if the situation should be a little different from that moved successfully last year. The Government accepts the approach of the independent schools, the Independent Schools Board and the South Australian Commission for Catholic Education, which have made strong representations to us to change the legislation back to how it was prior to the acceptance by the Government last year. Having given a lot of thought to the whole question, and deliberated at great length, the present Government is of the view that the legislation should go back as it was before, and that is why this Bill is before us. I ask the House to support it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of Non-Government Schools Registration Board."

The Hon. ANNE LEVY: I move:

> Page 1—After line 10 insert paragraph as follows: *(aa)* by striking out paragraph *(b)* of subsection (2) and substituting the following paragraph: *(b)* four persons appointed by the Governor on the nomination of the Minister, at least one of whom shall be an officer of the department:

This amendment adds a new paragraph, thereby having the effect that the board would consist of nine members. There will be four members from the non-government sector nominated by the Independent Schools Commission and the Catholic Schools Commission, and five people nominated by the Minister, at least one of whom is an officer from the Education Department. There is no restriction on the other four people nominated by the Minister. He can nominate all of them as coming from the non-government sector, if he wishes. It means that the majority of the board will be nominated by the Minister, who thereby retains his responsibility (and I stress the word "responsibility") for the education received by all the children in this State. He has no control whatsoever over the nominations from the non-government sector, and I am not suggesting for a minute he should have. I think that it is quite appropriate and highly desirable that the non-government sector should choose its own members to be on this board.

As I said earlier, the Minister has a responsibility, and he cannot avoid his responsibility. He has this responsibility to look after the education of all children in the State. He is responsible for seeing that all children in the State have an adequate standard of education, so he should be responsible for nominating a majority of the board.

As I said, this is hardly a novel idea. It is the existing situation in New South Wales, Victoria and Tasmania. There is no State that has a board for registering non-government schools where those schools have a majority. It is not a question of whether there are Liberal or Labor Governments, because these situations in other States occur under Governments of all colours. But Governments interstate have taken the view, which I suggest we should take here, that the Minister has the ultimate responsibility for seeing that all children in the State, not just children attending Government schools, have an adequate education, so the majority of the board should be nominated by him.

There is also the question whether justice appears to be done as well as being done. If there are to be any ructions at some future stage (I am not suggesting that they will happen tomorrow), any arguments, or any charges of favouritism, it would be much better for the board to seem

a neutral board, that is, not dominated by one sector. The importance of neutrality—the neutrality of the umpire—surely would be wise as a long-term measure so that no charges of favouritism, of preferring one group to another group, can ever arise. This can be achieved under the amendment, which looks simple but the consequences from which are extensive and embody an important principle. It will ensure the neutrality of the umpire in the future, which I am sure we would all welcome. I urge the Committee to support the amendment.

The Hon. C. M. HILL: The present situation under the legislation that has been assented to is that the board shall be of seven members, four of whom shall come from the private school sector and three of whom shall come from the State school sector.

The Hon. Anne Levy: No, three come from the Minister.

The Hon. C. M. HILL: The honourable member says that three come from the Minister, and four come from the private schools. The honourable member finds that hard to bear, but those four are divided into two people appointed on the nomination of the South Australian Commission for Catholic Schools and two are appointed on the nomination of the South Australian Independent Schools Board, Incorporated. That situation seems unbearable to the honourable member, who is a strong member of the Australian Labor Party. I do not know whether I can call her a socialist—possibly she may admit that she is.

The Hon. Anne Levy: I am proud to be.

The Hon. C. M. HILL: That is your right, and I accept that, but that is why you want the State always to have a majority.

The Hon. Anne Levy: That is why Hamer wants it, too.

The Hon. C. M. HILL: You want the State to have a majority, so you have moved your amendment so that the State or Minister places five members on the board and the private schools place four members. In other words, you switch it around so that the State is the master. That is the premise by which you live—the State has always to be the master. Let me say that, based on the record of the private schools in this State, it is a great shame to bring forward this principle so far as the South Australian education system is concerned.

In South Australia, the private schools have a traditional and proud record, so why place the clamp of State control on them? What have they done to warrant that? Let us hear of the cases of the established private schools and the Catholic education system. Let the honourable member give us instances which warrant State control over them. She cannot do it.

The Hon. L. H. Davis: She's a product—

The Hon. C. M. HILL: I know what she is a product of, and I do not want to go into—

The Hon. N. K. Foster: You're getting pretty lousy.

The Hon. C. M. HILL: I am not getting lousy. I am saying we should leave them as they are. If at any time anything goes wrong with the system, the Government of the day can legislate. Based on their record, based on the fact that the State and Ministers of Education have been able to trust them in the past, let us leave them with a majority on the board. Let us be proud that we are not conforming to an Australia-wide pattern.

The honourable member said that in every State the Minister has control, and she said that, for that reason, the Minister should have control here. Why cannot we be proud and independent and say that our system is the best in Australia? Why put it under the control of the State simply because that is the system elsewhere? I say that the system should remain as the Government wants it in the Bill before us: four to three.

I have had a lot to do with private schools. I am not a product, a student, of a private school, but I have had a lot to do with them in the past 20 years, and I believe that their record warrants this approach. I am not in any way criticising the State school system. The more we can keep the debate away from the "us and them" principle, the better, because I think we are proud of the whole education system in this State, whether State or private schools. The honourable member has not made out a case to warrant support for her amendment, and I think the Government's approach in the legislation should be pursued. I ask the Committee, as sincerely as I can, to support the Government's Bill.

The Hon. N. K. FOSTER: I want to enter this debate in support of the amendment. I think the Minister most certainly overreacted and became too personal, and so did those who supported him with their interjections. I refer to the Hon. Dr. Ritson and the Hon. Legh Davis, saying that Bannon is a product of a private school. Dunstan was, and Whitlam was, but I am not concerned about that. I left school at 13 years of age, in the depression years.

The Hon. L. H. Davis: Good luck to you.

The Hon. N. K. FOSTER: Never mind about that. I am not here to argue the merits and demerits of that, but I was disgusted during the 1950's when R. G. Menzies went to election after election, hypocritically working on dividing the population of this country with arguments on private schools *versus* State schools.

The Hon. L. H. Davis: Speak to the Bill.

The Hon. N. K. FOSTER: That is an aspect of the Bill. It is pertinent. Menzies used it as a political tool. I am disgusted to find that, in the debate tonight, the Minister who has the responsibility of representing the Minister of Education, who is attempting to win favour for the Government, and who was against the amendment moved by a member of the Opposition, has become so personal, asking my colleague whether she is a socialist.

The honourable member moved the amendment out of sincerity, not criticism. She did not say to Hill, "You are a member of the Liberal Party and you represent the capitalist system," but the Minister made an accusation. Let him argue the case on its merits. He has said that he does not want South Australia to be different, but I am not going to sit in silence on the basis of the arguments of the 1950's and 1960's about "Leave them alone and they will take care of themselves."

This is an admission by many of the private schools that they want a share of the taxation cake. They have won that right and they respect it, but I do not hear that respect from the Minister. Do not get the idea that the schools referred to in the Bill do not accept that they ought to be the subject of scrutiny and control by Parliament, because they no longer take the narrow view that they ought to have the right to never be questioned. If you spread that through the Catholic schools, you will find a great division in the schools in that system.

I attended meeting after meeting when I was a member of the Federal Parliament and the matter was an every-day question, one of intense argument and personality. I do not want to see it enter this political arena. I hope that we will hear no more of it and that the matter will be taken on its merits. Members have before them an amendment that is balanced and has compassion in respect of those who are in authority in the church and the childen in question who have to be educated.

The Hon. ANNE LEVY: It was not anyone on this side who introduced any comparison between Government and non-government schools, or who started impugning people according to what sort of school they had attended. I feel that that is very divisive, totally unnecessary, and

unworthy of people sitting opposite. No-one on this side has undertaken such low argument. We did not support making comparisons between types of school. We did not start talking about the types of school to which members may have gone. The parents, not the children, choose the school.

The Hon. M. B. Cameron: You are making the comparison, by the imbalance.

The Hon. ANNE LEVY: I am trying to insist that justice be done, and this is supported by numerous people. I understand it has been supported by Dr. Keeves, and that has not been contradicted. Premier Hamer in Victoria supports this system. In Western Australia, Premier Court has not a single non-government school represented. The registration of non-government schools there is done by the Education Department, without a single voice from the non-government schools.

To suggest that we are trying to be different from other States, that we do not trust our non-government schools, is ridiculous. We are treating them in exactly the same way as Premier Hamer treats the excellent non-government schools in Victoria. It is a question of justice appearing to be done as well as being done. I would like to quote from a letter to the Institute of Teachers in South Australia as follows:

> The legislation is also unsatisfactory [referring to the Government legislation] in that provides for a registration board which will be seen as partisan in that it will contain a majority of members from established orthodox non-government schools. This will eventually raise a problem because no doubt some borderline group will claim that it has been discriminated against by the board on religious or establishment grounds. It would be wiser to provide that the board is neutral in the balance of its membership so that charges of bias would be avoided. We suggest, therefore, that the legislation be amended to ensure that the board is seen to be neutral.

I received that letter today, long after our amendments had been drawn up. It is an important point that the board should be seen to be a neutral one. Our amendment makes it neutral in that four members will be appointed in the non-government sector by that sector and five members will be appointed by the Minister including one from the Education Department and the other four being anybody at all. If precedents from other States are followed, one or more of that other group will be from the tertiary sector and can be regarded as unbiased umpires in these matters.

I urge members to support the amendment and to accept our assurances on this side that such an amendment is in no way impugning the current situation with non-government schools. There is no suggestion of that and any such suggestions made by the Minister are unworthy of him as a Minister of the Crown.

The Hon. R. J. RITSON: I question the neutrality aspect. The situation we are given is that about three-quarters of the children in this State are educated under State control.

The Hon. Anne Levy: Eighty per cent.

The Hon. R. J. RITSON: Right, 80 per cent. About 20 per cent are educated in the private system. I believe we have all received newsletters in our pigeonholes headed, "Diversity and choice in education". For those who want a particular form of diversity or choice and who choose for their children to be in the 20 per cent educated in the private system, the neutrality is that the State already educates 80 per cent of the children and has a substantial influence over the other 20 per cent. The Hon. Anne Levy insists that the State control that 20 per cent by controlling the board.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton and C. J. Sumner. Noes—The Hons. M. B. Dawkins and R. C. DeGaris.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clause 4—"Quorum, etc."

The Hon. ANNE LEVY: As the amendment that I have on file is consequential on the amendment to clause 3 which has just been lost, I do not wish to proceed with it.

Clause passed.

Clause 5—'Registration of non-government schools."

The Hon. ANNE LEVY: I move:

> Page 1—After line 21 insert paragraph as follows:
> and
> (*b*) by striking out subsection (5) and substituting the following subsections:
> (5) The board may impose conditions under subsection (4) either upon registering a non-government school, or upon subsequent review of the school, and upon any such subsequent review the board may vary or revoke conditions previously imposed.
> (6) Where the board does not grant an application for registration of a non-government school, or imposes conditions upon the registration of a non-government school, the board shall, within one month after deciding not to register the school, or to impose the conditions, inform the relevant governing authority of the reasons for its decision.

I explained the reason for this amendment in the second reading stage. The Bill provides that, if the Board registers a school without imposing any conditions, the regulation will continue *ad infinitum,* and the board will be unable to do anything about it. The Bill states that the board may impose conditions, but conditions are not compulsory. If the board imposes conditions and finds that a school is not adhering to those conditions, it can threaten deregistration as a way of ensuring that conditions are upheld but, if no conditions are imposed in the first place, there is no way in which the board can do anything if the standards of the school should slip, change, or become quite bizarre.

The only provision in the Bill is for the board to step in if the conditions it has imposed are not adhered to. As I have suggested, the board may impose no conditions on many of the existing non-government schools, since they will all have to be registered in a great hurry once the Bill is proclaimed. If no conditions are imposed, the registration for that school will continue forever and the board can do nothing if, in 20 or 50 years, standards should slip or undesirable practices occur.

This amendment provides that the board may impose conditions (I stress "may") either when it first registers a school or at any subsequent review of the school that it may care to undertake. If the board can review a school and vary or impose conditions at that time, then if a school has adoped very undesirable practices or lets its standards slip, the board will be able to do something about it. It can impose conditions which, if not met, will lead to the school's being deregistered. I agree with the Hon. Dr. Ritson that no school at present would come into that category, but we do not legislate for just this minute or this year: legislation lasts a lot longer than that. We must cover every contingency in the legislation, as the Hon. Mr. Burdett has assured us on many occasions however

unlikely particular situations may be.

The Hon. J. C. Burdett: Did I say that?

The Hon. ANNE LEVY: Yes, over the registration of names. You insisted that every "i" was dotted and every "t" crossed, however unlikely a situation may be. This is exactly analagous. It may involve a rare situation, but the situation may occur, and the board should be able to step in and impose conditions that a school must meet if it is to continue as a non-government school. I urge all honourable members to support this amendment.

The Hon. M. B. CAMERON: If ever there was an example of the desire of the Hon. Anne Levy and the Opposition to have Big Brother overlooking the private school sector, this is it. I do not know why she believes that this amendment is necessary. If a school's standards slip or if practices are not acceptable, parents will not send their children to that school. It will very soon disappear into the woodwork. The real intention of this amendment is not as was stated. One has to look behind the intention, and I believe that the intention is to provide a method of putting a guiding hand on private schools and the independent school system in the future. That is not on.

Honourable members opposite must accept that parents have a choice, and that is why they support the private school system. The reason they make the choice is that they see some schools as more acceptable with better standards and with a different form of education which they find more acceptable. That surely is their right. Just because we have a compulsory school system does not mean that everybody should have to go to a particular type of school. I know that may be the Hon. Miss Levy's philosophy but it is not the philosophy of everybody. What she is saying is that she wants to apply certain standards to those schools—do this curriculum or else. All sorts of things will be done that interfere with the autonomy of the schools. If schools are unacceptable, they will not have support and will disappear, and I think we should leave it that way.

The Hon. ANNE LEVY: The Hon. Mr. Cameron really does talk in a rather strange way. If he really espouses the view he has just put he would be opposing having registration. If he believes that market forces alone will determine which schools exist in our community, he should be opposing registration of schools and not supporting this Bill, which is setting up a board. I cannot understand, if that is what he really believes, why he is supporting this legislation at all. He should have voted against the second reading.

Furthermore, on another ground Mr. Cameron's argument just does not make sense. The Committee has decided that the majority of the board is to consist of non-government school nominees, so it is hardly the hand of Government controlling the schools; it is the non-government schools controlling non-government schools. To talk about the hand of Government imposing conditions and maintaining standards is obviously nonsense. The legislation gives the board certain functions, one of which, as stated in the legislation, is to maintain standards—educational health, safety and welfare—in the non-government schools of this State. It is being done by means of a board, which will have a majority of non-government people on it. They should be given the power to be able to do their job of ensuring that standards are maintained, something that I argue, if this amendment is not passed, they will not be able to do. The board will be prevented from carrying out the function for which it has been set up. I again urge all honourable members to support the amendment.

The Committee divided on the amendment:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy (teller), and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton and C. J. Sumner. Noes—The Hons. R. C. DeGaris and M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 6 and 7 passed.

Clause 8—"Inspection of non-government schools."

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

> Page 2, line 6—After "persons" insert "nominated by the board and".

This Bill originally had been agreed to by all Parties, although I did not necessarily agree to it. For that reason and because of my colleague in another place, I am not going to oppose it, but I feel that the Government, perhaps, has been a little hasty. It had a chance to reconsider this Bill, and I do not think the Government has done that for the length of time that it should have done. I think it has been revived a bit too quickly.

If the reason for the Bill is what I think it is, I feel that the board as it is now constituted will find itself with enormous responsibility and could be under great criticism, and I would expect to see another amending Bill come before this House in the not too distant future. I do not think the provisions proposed are what the independent schools or the non-government schools were really looking for. This Bill may be workable, but I think they will find great difficulty with it.

I believe that when this Bill comes into operation it will not do what the non-government schools or the Government intended. I hope that I am wrong and that it solves the situation so that we do not have this type of discussion again, because I hate it. I ask the Committee to support my amendment.

The Hon. C. M. HILL: I am forced to admit that I think the honourable member's proposition is thoughtful, because it places a small but perhaps significant check on persons who shall be approved by the Minister. I am prepared to accept the amendment.

The Hon. ANNE LEVY: This amendment seems to be quite unnecessary. I do not think it makes much difference whether it is carried or not. If clause 8 is passed with the amendment, the original section of the Act, for purposes connected with the administration of this Act, will read:

> The board may, by instrument in writing, authorize a person nominated by the board and authorized by the Minister to carry out an inspection of any non-Government school or premises proposed to be used for the purpose of a non-Government school, and that person or persons so authorized may, at any reasonable time enter and inspect the school or premises specified in this authority.

Therefore, we will have a situation where the board will have to authorise in writing someone to go into a school. That person will also have to be approved by the Minister. I would have thought that the Hon. Mr. Cameron would object to that. It might be viewed as Government interference, because a person who will examine a non-government school would have to be approved by the Minister. I am surprised indeed that the Hon. Mr. Cameron has not raised such a ridiculous objection.

Someone who is approved by the Minister and the board will have to be authorised in writing to inspect a school. I do not think it is very necessary to provide that a person has been nominated by the board in the first place, because the board would not authorise someone that it did not like. The aim is to have someone who is congenial to

both the board and the Minister. This amendment provides that the person must be someone approved by the Minister. Therefore, it is not necessary to insert that the person is someone nominated by the board, because the board has to authorise that person in writing; if it did not like that person it would not authorise him. Without this amendment we still have the situation where whoever is so authorised has the approval of both the Minister and the board. With the amendment we will have a situation where someone is approved by both the Minister and the board.

The Hon. R. J. Ritson: It gives the board the choice in the first instance.

The Hon. ANNE LEVY: Without the amendment the clause does not say that the Minister nominates; it says that the Minister approves the person. Without Mr. Milne's amendment the board would suggest people to the Minister for his approval and then authorise them in writing. Whilst I do not oppose the amendment, I feel it is quite unnecessary, as exactly the same thing will occur with or without it. I am surprised that the Hon. Mr. Cameron and the Minister have not taken this to be Government, nasty, socialist interference in non-government schools and I hope the irony of that statement comes out in *Hansard*.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3561.)

The Hon. FRANK BLEVINS: The history of this Bill is rather interesting. It was introduced today in the House of Assembly where the Opposition and Australian Democrats opposed it strenuously. The Opposition saw it as another example of union bashing. It did nothing whatever for industrial relations in this State. It was a measure that certainly would have inflamed industrial relations within the Public Service and something that was highly undesirable. What particularly disturbed the Opposition was that clause 2 (3) of the Bill deleted the appeal provision from the Act. That is totally unacceptable to the Opposition. It also surprises the Opposition that this Government would attempt to do that, because we well remember over the years when in Government that this was one of the issues on which the then Opposition went to bat most strenuously.

However, what has happened in the interregnum between passing the House of Assembly and being introduced here has been interesting. All the parties have discussed the various issues that were in dispute and have reached some agreement. The agreement basically is on the particular point about which the Opposition was so concerned, and the *status quo* will remain, rather than the appeal provision being deleted, as it was to be in this Bill. It was very easy to make a good long speech about this, and against what was a particularly obnoxious Bill. I think it is rather sad to waste a good speech. However, with the amendments that have been circulated by the Attorney, the Bill will come out of Committee in a form acceptable to the Opposition. I would point out that it is still, to some extent, union bashing. It is applying certain penal clauses in the Public Service arena, and the Opposition does not support that aspect of the Bill.

The whole history of industrial relations in Australia tells us that penal clauses or penal provisions of any kind never solved an industrial dispute. The way to solve industrial disputes is through conciliation, through negotiation, not through some clauses in a particular Bill generally put there by conservative Governments which feel that they can bash workers into submission and which think that they can make them work when they quite rightly on occasion choose not to do so. That is an aspect of the Bill that we certainly do not like. However, the Attorney is going to move his amendments in Committee, and I indicate that the Opposition will support the passage of the Bill as speedily as possible.

The Hon. K. T. GRIFFIN (Attorney-General): I must join issue with the Hon. Mr. Blevins when he says that these amendments contain an element of union bashing. I hasten to remind him that at common law, if an employee did not work as directed, he was not entitled to remuneration, and all this clause does is import that common law situation into the provision of the Act.

The other point on which I would like to enter a correction is that the Bill was introduced in another place yesterday and not today. I am pleased that the Hon. Mr. Blevins has indicated his support for it, knowing that in Committee I will be moving amendments which remedy some of the difficulties which the Opposition had with the Bill in another place. The amendments really result from the undertaking of the Premier to review the Bill before it reached this Council. That is what has happened, and accordingly at the appropriate time I will be moving those amendments to honour the Premier's undertaking.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Reduction in salary arising from refusal or failure to carry out duties lawfully assigned."

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

> Page 1, line 10—After "Where" insert ", in consequence or in furtherance of industrial action,".

This first amendment clarifies what I understand is one of the concerns of the Opposition in another place, that is, that subsection (1) is rather baldly stated with direct reference to industrial actions. The deduction of salary is related to industrial action and not in isolation. The words that I am inserting are picked out of the present regulation 16a.

Amendment carried.

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

> Page 1, lines 18 to 20—Leave out subsection (3).

This amendment seeks to leave out subsection (3), which provides that any direction under new section 36a is not subject to appeal or review. The Government is prepared to accept that the deduction of salary in consequence of refusal to perform duties is appropriate and, if subsection (3) is deleted, then section 123 of the Public Service Act will apply, so that any deduction would be subject to review by the Industrial Commission.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 10.40 to 11.25 p.m.].

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT LINCOLN

The House of Assembly intimated that it had agreed to the Address to His Excellency the Governor.

PRISONS ACT AMENDMENT BILL

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

EDUCATION ACT AMENDMENT BILL

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

PUBLIC SERVICE ACT AMENDMENT BILL

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

ADJOURNMENT

The Hon. K. T. GRIFFIN (Attorney-General): I move:

> That the Council at its rising adjourn until Tuesday 2 June 1981 at 2.15 p.m.

Motion carried.

At 11.27 p.m. the Council adjourned until Tuesday 2 June at 2.15 p.m.