LEGISLATIVE COUNCIL

Thursday 11 June 1981

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Third Party Premiums Commission—Determinations 1981.

By the Minister of Local Government (Hon. C. M. Hill)—

Salisbury College of Advanced Education—Report 1979.

MINISTERIAL STATEMENT: RIVERLAND CANNERY

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: Before I make my statement I indicate to the Council that I have informed the Leader of the Opposition that, because of the statement's length, I will move for the extension of Question Time from 3.15 for such period as it takes me to make the statement. The Government has indicated to the public, the growers and representatives of unions in the Riverland that this week it would make decisions as to the future of the co-operative and announce those decisions. The Government has made decisions but first it is important to understand some of the history which has led to the present situation in the Riverland cannery.

In 1977, following a period of extensive price cutting by fruit canners, Riverland Fruit Products Co-operative Limited approached the Government with a view to having a joint Commonwealth-State loan converted to a grant with a view to increasing payments to growers. This was agreed to, and $417 500 was converted to a grant, on condition that Riverland Fruit Products Co-operative Limited accepted South Australian Government involvement in its affairs. This was achieved through an agreement between Riverland Fruit Products Co-operative Limited and the Government, which gave the South Australian Industries Assistance Commission (as it was then known) the right to veto decisions of the co-operative, and the right to appoint three members of the Committee of Management, a managing director and consultants to assist in the running of the co-operative.

This arrangement had major consequences. First, the role of R.F.P. Co-operative became unclear and indeterminate. Initially, it was clear that it was subordinated to the South Australian Development Corporation (as it was subsequently known). This was made clear in a letter dated 3 December 1976 from Premier Dunstan to the General Manager of R.F.P. Co-operative Limited which said that 'henceforth and until further notice the Board of Management of R.F.P. agree to the S.A.I.A.C. reviewing and, if considered necessary, and after consultation, amending decisions relating to its present and future policy and operations'. However, that position appears to have been modified subsequently. Following an agreement with Henry Jones regarding the marketing of fruit for the 1978 season and the following two seasons, Premier Dunstan wrote on 8 December 1977, this time to the Chairman of the co-operative, in the following terms:

Dear Sir, I am informed that your co-operative has been negotiating with Henry Jones Pty Ltd in respect to a supply of canned fruit for the 1978 season and the following two seasons. I am also informed that the agreement you have now reached with that company represents a significant step towards rationalisation of the industry in South Australia and will strengthen the position of Riverland Fruit Products Co-operative Limited.

I understand that your board is concerned at the possible implications which might arise if your co-operative enters into that agreement without the full support of Goulburn Valley canners. I also understand that your co-operative has taken all reasonable and responsible steps to secure that support.

In view of the importance of that agreement to the industry in South Australia and the need for its immediate execution, my Government would be prepared to support and indemnify, if necessary, any responsible action which you and your board members might take in this matter.

Yours sincerely,
Don Dunstan,
Premier

In these circumstances, it is hardly surprising that the board of R.F.P. was not in a position to take strong, decisive and responsible action in relation to the cannery's future.

The second consequence was the acquisition by R.F.P. of Jon Products. This followed a recommendation to the board of S.A.D.C. from its consultants. This decision was taken with a view to increasing R.F.P.'s throughput by 3 000 tonnes of peaches but also had the consequence of transferring all of Jon's liabilities to R.F.P. Co-operative. In addition, Jon had marketing arrangements with Kyabram Preserving Co. (an associate of Henry Jones) which were in conflict with R.F.P.'s business interests.

The third consequence was the purchase of general products plant available from the premises of Henry Jones (IXL) Ltd. at Port Melbourne. The decision to purchase that plant was the result of S.A.D.C.'s action to acquire for R.F.P. the right to manufacture at Berri certain product lines previously manufactured at Port Melbourne by Henry Jones (IXL) Ltd. This decision ultimately would involve the expenditure of in excess of $8 000 000, a decision which it appears was never discussed with the full board of R.F.P. The plant acquired as a result of this arrangement was inadequate and unsuitable, and reflected a bad business decision by those who were promoting the expansion for the co-operative.

As a result of this acquisition, excessive maintenance costs are being incurred and are reflected in the expenditure by the receivers between September 1980 and April 1981 of an amount of at least $1 300 000 in general maintenance. In the next year, a sum in excess of $1 000 000 will need to be spent on further maintenance work. As a result, the receivers are making a claim against Henry Jones (IXL) Ltd. for these excess maintenance costs in so far as they relate to the general products plant. It should be added that the agreement for the purchase of the equipment made no provision for commissioning prior to payment of the purchase price.

The fourth consequence was the negotiation between representatives of the South Australian Development Corporation and Henry Jones (IXL) Ltd. and General Management Holdings Ltd. (a company related to Henry Jones), of an agreement whereby Henry Jones acquired the exclusive right to market in and outside Australia products manufactured by Riverland Fruit Products Co-operative Limited. This agreement provides for Henry Jones to have an exclusive agency of Riverland products for 18 years, notwithstanding that Henry Jones' own products compete directly with those of R.F.P. The

arrangements under the agreement require Riverland Fruit Products to carry stock (which at the date of the appointment of the receivers was approximately $5 000 000), but Henry Jones is able to set the price at which Riverland Fruit Products products are sold. Commissions, trade expenses, freight and advertising allowances payable to Henry Jones by R.F.P. under the arrangement amount to over 20 per cent, probably closer to 24 per cent off the selling price. Payments to Riverland Fruit Products for products sold under the agreement are to be made 45 days after the end of the month of sale. These arrangements are, from the point of view of Riverland Fruit Products, extremely onerous, and, whilst one cannot blame Henry Jones for negotiating this agreement as favourable to itself as it could, those who negotiated it for the co-operative do not appear to have adopted the same hard-nosed commercial approach.

It was in relation to this state of affairs that South Australian Development Corporation arranged finance for the co-operative in the order of $5 000 000 with the State Bank through Riverland Fruit Products Investments Pty Ltd., a subsidiary of South Australian Development Corporation, with a Government guarantee. This was in addition to funds made available by the State Bank to the co-operative directly and through Jon Products in excess of $6 000 000. This was subsequently discovered to be the situation that faced the Government when it came to office in September 1979.

Among the arrangements which the Government initially accepted was a recommendation that a payment to the co-operative of $325 000 be made under the Establishments Payments Scheme. However, since a payment is, of course, dependent upon viability, it was brought to the Government's attention on 5 June 1980 by the Department of Trade and Industry that the viability of the co-operative was in doubt. As a result, the Premier ordered immediate inquiries to be made, and consulted urgently with the Chairman of the South Australian Development Corporation.

On 10 June 1980 the Chairman of the South Australian Development Corporation, Mr R. R. Cavill, wrote to the Premier reporting on the difficulties of the co-operative. He said:

> The co-operative has incurred a trading loss of some $2 500 000 for the six months ended 31 March 1980. Of this sum, $1 350 000 was attributable to the fruit season just ended and the balance to the trading and general product areas, which trading has proved more difficult to master than anticipated. I am advised that losses are continuing at the rate of some $230 000 per month. The position is both serious and complex.

He also said:

> I must say that if there were no other considerations, the corporation's commercial advice would be the appointment of a receiver which would probably mean the end of the cannery. The simple, commercial alternative is, of course, complicated by other factors.

The Chairman suggested the appointment of a task force comprising the Chairman and Mr J. Elliott who was Managing Director of Henry Jones (IXL) Ltd. 'to consider the position and report to the South Australian Government and the board of Henry Jones'.

The Chairman also recommended that:

> 2. *De facto* management be placed in the hands of Mr C. Garrard of Henry Jones as to manufacturing responsibility and Messrs Allert, Heard and Co., representing the S.A.D.C., as to the finance and administration responsibility while the re-evaluation is in progress.

Subsequently there were further discussions between the Premier and Mr Cavill as a result of which the Chairman suggested the widening of the task force in a letter to the Premier of 23 June 1980.

On 24 June 1980 the Premier indicated his support for a widened task force and asked for an assessment within three weeks. Subsequently, the Chairman indicated that it was not possible to present a report within three weeks—'A report will not be available for some 12 weeks'. After further discussions the Government agreed that certain guarantees would be given by the Government to enable the co-operative to continue in operation during the period of the assessment. This led to a Ministerial statement by the Premier on 7 August. The Premier, in that statement, also said:

> Following detailed discussions, the Chairman of the S.A.D.C. suggested that he speak with the directors of Riverland cannery as soon as possible. This was done on 24 June, when the board resolved to freeze all debts owed by the company at that date, and to trade on a cash basis from 25 June 1980, and to appoint a task force to inquire into the future of R.F.P., and to provide a solution for its continuing operation.
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> This decision was conveyed to me by letters on 2 July 1980, when the Chairman of S.A.D.C. indicated that the board of R.F.P. had approved a task force consisting of Messrs Winter, Elliott and Cavill to carry out this investigation. The task force had taken over management of the cannery.

The Premier went on to say in his Ministerial statement:

> The task force will not be in a position to submit its final report to me until the end of September. However, preliminary investigations have revealed that the whole situation could be described as a shambles. It is not possible at this stage to state the exact reasons for the current position of the cannery or to determine those responsible. It is possible, however, to give an indication of the gravity of the situation. Current trade creditors are owed approximately $5 000 000. Most of those creditors have been outstanding for periods of up to 120 days. Fruitgrowers are still owed just over $1 000 000 for the 1979-1980 season. Peach and pear growers have already received 60 per cent payment and apricot growers have received 80 per cent payment for fruit supplied to the cannery this year.
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> The State Bank of South Australia and the South Australian Development Corporation both have substantial long-term and current loans of some $1 200 000 with Riverland Fruit Products. The South Australian Government stands as guarantor for a large portion of these loans under the agreement reached by the previous Government. Total liabilities could well exceed $20 000 000. It is not possible to indicate the value of the assets, especially as the quantity and value of the substantial stock on hand are in dispute.

Meetings were held periodically with the Chairman and others, and there were conversations with the Chairman and others as to the position of the co-operative and the task force's progress. On 22 July 1980, at a meeting between me, the Minister of Industrial Affairs and Mr Cavill to discuss long-term solutions, Mr Cavill again expressed the view:

> It is perfectly plain that in private enterprise there would be no alternative but to appoint a receiver. I realise there are other factors in this matter which are of considerable importance, and we are completely behind you in trying to resolve the difficulties but the circumstances are such that any preliminary view must be altered by the facts. The proper commercial decision would be the appointment of a receiver.

It is clear from these and early statements that Mr Cavill, at least, was well aware of the stark nature of the choices facing the Government.

On 1 September 1980 I was telephoned by an adviser to the task force and told that the preliminary accounts for the eight months to 31 May 1980 prepared by advisers to

the task force indicated that the loss for that period was in fact $7 500 000.

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

The Hon. K. T. GRIFFIN: It was on 1 September 1980.

The Hon. C. J. Sumner: Who told you?

The Hon. K. T. GRIFFIN: I was telephoned by an adviser of the task force on 1 September. I was informed that the State Bank representative on the co-operative board had expressed concern and was taking urgent instructions. The appointment of a receiver to protect the bank's security was first raised with me by the General Manager of the State Bank of South Australia on 3 September 1980, in the light of the serious financial difficulties of the co-operative.

He canvassed the possibility of either widening even further the existing Government guarantees or appointing a receiver. The basis of the General Manager's view, as expressed to me in a minute of that date, was 'a commercial view of the situation' taken with 'the objective . . . to recover its (the bank's) advances'. He went on to say that the bank 'would be conscious of the need of a cannery to the Riverland area and it would therefore endeavour to retain the undertaking as an operative entity if it could do so without loss to the bank'.

The bank's position at this time was one of considerable exposure to risk. It was owed $11 500 000 by Riverland and Jon (which had been acquired by Riverland). By way of security it held first registered debentures over the whole of the assets and undertaking of the co-operative, supported by first registered mortgages over all bonded assets. It also held guarantees from the Government in respect of an advance to Jon of $1 268 000 and for $1 500 000 to meet any shortfall on the realisations on the 1978 season which showed an accumulated loss of $167 126. A further verbal guarantee for $2 980 000 had been given to the bank and guarantee had been implied in respect of any losses incurred subsequent to 25 June 1980 for the period of examination by the task force. In addition to the loss of $7 500 000 in the eight months to 31 May there was also the estimated further loss of $1 200 000 between then and 3 September.

Thus only $5 000 000 of the outstanding debt appeared to be secured by the first registered debentures and first registered mortgages referred to earlier. In these circumstances the bank's concern was understandable, particularly in view of its obligations to its depositors and to the State.

In the light of the bank's advice the situation was reviewed by Cabinet on 8 September 1980. As a result of its review it was decided to support the appointment of a receiver as the only possible way to crystallise an otherwise hopeless position. The only other alternative open to the Government was to extend Government guarantees which could have cost a minimum of $10 000 000 to prop up a known loss situation with the prospect of even further uncontrolled losses. At this point, let me summarise the major liabilities at 12 September 1980. They were as follows:

Summary of Major Liabilities as at 12.9.80:

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Holiday pay, long service leave and sick leave ...	330 000
State Bank of South Australia	10 858 795
(Including conditional State and Commonwealth grant $1 800 000)	
Riverland Fruit Products Investments Pty Ltd ...	4 710 066
Henry Jones Ltd	3 357 408
Unsecured creditors	8 767 285
Total Liabilities	$28 023 554

In the period between 1 September 1980 and the appointment of the receivers by the State Bank there were discussions with advisers to the task force. The task force continued its work for a further two weeks after the appointment of a receiver and resigned on 29 September. During the course of the work of the task force it appointed a number of consultants whose activities cost approximately $157 000 which was funded by the Government. The auditors appointed under these arrangements confirmed the view of the situation taken by the State Bank relating to the increased losses which had been incurred. After the appointment of the receivers by the State Bank requests were made of the task force for a copy of any draft report which the task force may have been in the course of preparing. Despite the relatively large expenditure of $157 000 on consultants, the Chairman of the task force, Mr R. R. Cavill, advised the Premier on 4 November that no interim or draft report had been prepared by the task force at the time of its resignation. He indicated that although a variety of submissions had been prepared for consideration by the task force none of them had been made to the task force, nor had the task force met to consider its final report. The Chairman said:

> The members of the task force had set aside a substantial amount of time at the end of September for the purpose of meeting to consider the various submissions and then to draft a report. This did not occur.

Since their appointment, the receivers have appraised the operations and prospects for the Riverland cannery. A report was received by the State Bank and the Government from them last month which summarised the situation. The receivers state:

> The problems facing the cannery are essentially:
>
> insufficient recovery of overhead due to under-utilisation of plant;
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> high maintenance and operation costs due to poor plant conditions;
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> inadequate supply of locally grown tomatoes; and
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> present marketing arrangements with Henry Jones.

It is well known that the receivers offered the cannery for sale by tender throughout Australia and overseas. No tenders were received. Since then both the receivers and the Government have been active in endeavouring to attract interest in the co-operative. Several overseas interests have shown limited interest which we may be able to cultivate, but this will need time. Hopes, however, should not be raised as to the outcome.

A number of conferences have been held between me, the receivers, and representatives of the Departments of Agriculture, State Development, and Trade and Industry and the Department of the Premier and Cabinet. I also met with union representatives and grower representatives last Friday at Berri, and the receivers have maintained contact with interested persons in the Riverland. Financial material was made available to that meeting, and we discussed the lifting of bans placed on the removal of processed goods from the cannery.

The Government has considered a number of options. To keep the co-operative open as it is will cost the Government a minimum of $20 000 000 over five years, plus some repayment to the State Bank of up to $7 000 000. The co-operative would continue to puddle along, with the general products line working at between 30 per cent to 50 per cent of capacity, sales being made under the unfavourable marketing arrangement with Henry Jones, stock and materials of at least $5 000 000 being carried and financed by the co-operative, and payments being made for stock purchased by Henry Jones 45 days after the end of the month of purchase.

To close the co-operative down immediately has real problems for growers, employees, and businesses as well as Government funding responsibilities. The cost to the Government would involve payments to the State Bank which would be likely to exceed $7 000 000, plus costs of industry assistance and grower restructuring of about $12 000 000 over five years.

The third and preferred option is as follows:

1. Support the receivers continuing in control of the situation for the time being and provide them with Government guarantees against any losses which they may incur.
2. Guarantee to fruitgrowers that their fruit will be processed in the 1981-1982 and 1982-1983 seasons to the extent of a minimum of 7 100 tonnes in the light of the Australian Canned Fruits Corporation's likely quotas for 1981-1982.
3. Guarantee to fruitgrowers payment for their fruit for the two seasons referred to in paragraph 2 at the then applicable F.I.S.C.C. prices.
4. Support the receivers in terminating the adverse marketing agreement with Henry Jones, notice of which they will give to Henry Jones today, with the termination taking effect within the next two to three months. The receivers are just not prepared to continue with the unfavourable arrangements any longer.
5. Support the receivers in attempting to negotiate with Henry Jones new arrangements for the co-operative to undertake contract packing and canning for Henry Jones on terms favourable to the co-operative.
6. Support the receivers in maintaining as many employment opportunities as possible. (This option gives the receivers the best opportunity to maintain some permanent employment opportunities at the co-operative.)
7. The Government and the receivers to actively pursue the limited overseas interest which has recently been indicated.

The cost of this option, in addition to the liability to the State Bank, may cost the Government up to $10 000 000 over five years. This option, which the Government supports, is of course conditional upon all union bans being lifted immediately. Canning fruitgrowers should not over-react to the decision and to the imposition of quotas as a result of current restrictions on market opportunities. They should prune for quality, not quantity.

The need for this decision by this Government is the result of a series of poorly researched and planned decisions from 1977 to 1978 by the former Government. We are now reaping the poor harvest of those decisions. The present Government has made no secret of the difficulties. Today's decision crystallises some areas of concern. It also gives the Government and the receivers more time to deal with the other difficulties.

The Hon. C. J. SUMNER: How many jobs will be lost in the Riverland cannery as a result of this decision by the Government?

The Hon. K. T. GRIFFIN: There is no saying at this stage how many jobs will be lost. As I indicated, the receivers will continue operation and have in fact terminated the present arrangements with Henry Jones to take effect within two to three months. They will actively negotiate with Henry Jones to undertake contract planning and packaging which, if successful, will of course maintain a number of job opportunities in the cannery. It is too early at this stage to predict what, if any, job opportunities will be lost as a result of the decision.

QUESTIONS

Dr MESTROV

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer to my question of 3 June about a Whyalla medical practice?

The Hon. J. C. BURDETT: I refer the honourable member to a reply made by the Minister of Health in another place on 3 June 1981.

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

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, the Minister of Community Welfare gave a brief apologia for the Government's position and the Minister of Health's role in the Mestrov affair. It was one of the weakest political responses that I have ever heard. The Minister denied, in essence, that either Mrs Adamson or State Cabinet had played any part whatsoever in the decision to waive Dr Mestrov's $193 000 debt. On behalf of the Minister of Health, he unloaded all responsibility on to the Chairman of the Health Commission. He said that the debt could not be reclaimed. However, his evidence in support of that seemed extraordinarily flimsy and would be thrown out of any court in five minutes.

He even refused to tell us whether an opinion had been obtained from the Crown Law Department or from any other source. The only public indication we have had regarding the postion in law which has come from a solicitor has been the indication from Mr Terry Reilly, Chairman of the Whyalla Hospital Board, who of course was very keen (and we have this recorded in writing) to have the commission join the Whyalla Hospital in legal proceedings for recovery of the money. Under section 15 of the South Australian Health Commission Act, the commission is clearly subject to the direction and control of the Minister: it is not an autonomous body. In those circumstances, it was contemptible for the Minister to try to absolve herself from the responsibility by laying the blame on the Chairman. Nothing has been said that has changed my mind. There is no doubt that $193 000 or thereabouts owed to the public purse of South Australia has been waived.

The best interpretation that can be put on that is that it was done out of political pique or becuase of gross incompetence. The worst interpretation is that it was some sort of massive golden handshake. Yesterday's explanation raises more questions than it answers. Who made the decision to waive the service fees owed by Dr Mestrov to the South Australian Health Commission from 1 October 1976 to 19 April 1979? Was it Cabinet, the Minister of Health or the Chairman of the Health Commission? Was that decision ratified by the Minister? Did the Minister have any knowledge of what was proposed and did she agree with the proposition? Why has she been prepared to dump her Chairman, Mr B. V. McKay and let him carry the can? Were any legal opinions obtained from the Crown Solicitor or from any other competent source? If so, what were those opinions, and will the Minister table them? Does the Minister realise that ultimately the only way to test the validity of the claim would be in court? Did the Minister discuss the debt with Dr Mestrov or did he make representations to her at any time? Is the Minister aware that she is completely responsible, both under the South Australian Health Commission Act and the Westminster convention?

The Hon. J. C. BURDETT: Mr Terry Reilly simply

wrote a letter as Chairman of the Board requesting joint action for the recovery of the money. As I understand it, I do not think it could be fairly said that he even gave a legal opinion. He simply requested that action be taken for the recovery of a large sum of money, and that is not surprising in view of the size of the sum. As Chairman of the board, he wanted to obtain the money if he could.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: As stated yesterday there was no question of waiver of a debt because there was not any debt in the first place. One cannot waive what does not exist. It was acknowledged in the correspondence that I read out yesterday that formal notification of a facilities charge was not given to Dr Mestrov until 1979. In answer to some of the questions, I said yesterday that the Minister had no knowledge of the matter, apart from its being placed before her as a matter of information earlier this year, until questions were asked by the honourable member last week. I will refer the detailed questions asked by the honourable member to my colleague the Minister of Health in another place and bring back a reply.

COURT REPORTERS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the Government court reporting service.

Leave granted.

The Hon. C. J. SUMNER: A short time ago, there was a one-day stoppage of court reporters on the question of the transfer of Industrial Court reporters and the installation of private outside contractors for reporting. This dispute was referred to the Industrial Commission, where a voluntary conference was held before Commissioner Stevens on 29 May 1981. Commissioner Stevens recommended a moratorium on the transfers to enable discussion between the Government and the Public Service Association, representing the court reporters. I understand that those discussions with the head of the Law Department, Mr White, have proved fruitless in obtaining guarantees about the future of the Government Court Reporting Service. That, of course, is where the Attorney-General comes in as the Minister responsible for the Law Department and for Mr White. I believe there is now the likelihood of industrial action on Monday if the dispute is not resolved. The reporters have demanded that the Government immediately guarantee the maintenance of court reporters services to all South Australian courts and that failing this guarantee by Friday (tomorrow) at 4.30 p.m. immediate industrial action will be taken.

The initial reason for the dispute is that the Government is transferring Government reporters from the Industrial Court and handing over the work to a private Western Australian firm, Spark and Cannon, who will do the work by tape. On 19 March 1981, the reporters were advised by the Chief Reporter, Court Reporting Division, as follows:

> The decision to make this major change to the reporting of the Industrial Court came about because of the need to ease and improve the reporting position in the other courts we service, particularly those in the Victoria Square area. The Industrial Court was chosen as the place to 'lose' its reporters because of its longstanding acceptance and use of a tape system.
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> I emphasise as strongly as I can that this change of reporting in the Industrial Court has been taken so that in the present tight manpower position and increasing work load the service to which they are entitled can be given to the Victoria Square and Grenfell Centre judiciary. It is NOT being done with the intention of phasing out reporters or transcription typists.

It now appears clear that, contrary to this statement, the Government will not give any guarantees about the future of the Government Court Reporting Division or its level of staffing.

Concern has also been expressed within the legal profession that, with the private enterprise taped system, transcripts of evidence will not be as readily available as with stenographers, where there is a quick and continuous supply if the courts are properly staffed.

The court reporters believe the Government's actions will lead to the destruction of their profession and a lessening of service. As court reporting is a training ground for *Hansard* reporters, their future is also under a cloud. Will the Attorney-General give a guarantee that the Government court reporting service will be maintained in order to ensure that the service is supplied with properly skilled people, and, secondly, that training will continue for stenographers?

The Hon. K. T. GRIFFIN: I cannot see how *Hansard* reporters are at risk. Certainly, tapes would not have any prospect of keeping up with the proceedings of this Council or of the House of Assembly. I think we all agree that *Hansard* reporters will always be required to report the proceedings of the Parliament.

The Government's position is presently being discussed with representatives of the Public Service Association and the court reporters. There have been a number of discussions during the past fortnight in relation to this industrial dispute. The Government is anxious to maintain a core of court reporters. It is also concerned to ensure that taping by contract is, in fact, implemented in a number of courts. The decision was made that the Industrial Court would be the appropriate court in which tapes would be further installed by Spark and Cannon, who have already provided an excellent service at a cheaper cost to the Government. The fact is that, as far as the legal profession is concerned, we in South Australia have the most generous transcription service of any of which I am aware in the Commonwealth. In other States, there is not the ready availability of transcripts of evidence, even in the way in which Spark and Cannon have been able to provide it where they are taping certain courts.

The matter is not so easily resolved as the Leader of the Opposition appears to suggest, namely, that the Government give unqualified guarantees to court reporters. The reporters have been assured that, whatever the change in the system, the Government's policy of no retrenchments will apply.

The Hon. C. J. Sumner: But you're going to run down the service.

The Hon. K. T. GRIFFIN: We are not cutting down the service.

The PRESIDENT: If the Leader of the Opposition wishes to ask further questions, he may do so.

The Hon. K. T. GRIFFIN: A reporting and transcription service will be available to the courts, provided by a core of court reporters and by a tape service. The Government believes that that is the best mixture to follow. If an industrial ban is imposed by court reporters tomorrow, we will deal with it as it arises.

The Hon. N. K. FOSTER: I should like to ask some supplementary questions. First, what effect are word processors likely to have upon the printing of *Hansard* at Netley? Secondly, is free enterprise likely to encroach into that area, and is that likely to be the Griffin (not 'Griffith') Press? Thirdly, what assurances can the honourable gentleman give this Council that those involved in the

South Australian Industrial Court, either giving evidence or making submissions, will have an opportunity of checking, cross-checking and monitoring the tapes in accordance with the printed material to which they refer or which is supplied to the courts? Fourthly, I ask the Minister to enlighten the Council, on the resumption of its sittings within the next few weeks, with a full report answering all the questions that I have asked. In addition, I should like to know whether the Minister is aware that this must represent the first step towards the wrong recognition by those who sit in judgment on certain matters and in certain cases to avail witnesses, lawyers and all others concerned in a case of the right to cross-check evidence that has been given and recorded. If not, can the Minister say what comparable countries and systems in the Western world have embarked on a word processing system, which, in itself, denies the rights of the individual to cross-check or work out a balance in respect of evidence that has been given?

The Hon. K. T. GRIFFIN: First, if the honourable member was implying that I had some association with the Griffin Press—

The Hon. N. K. FOSTER: I rise on a point of order. I did not even mention your name.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: If that was implied, I really want to make quite clear that I have not—

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order! If the Hon. Mr Foster interjects once more, I will have to name him.

The Hon. K. T. GRIFFIN: If it was implied that I had some association with the Griffin Press, I think it is important for the record for me to assert as positively as I can that I have no direct or indirect interest in the Griffin Press or in any of its subsidiary or related companies.

Regarding word processors, there has never been any suggestion that they will be used in the court jurisdiction. I am therefore unclear regarding the context in which the honourable member asked that question; nor am I clear regarding the context in which he referred to word processors in respect of *Hansard*. In respect to the relationship between *Hansard* and the Government Printer, the Government Printer is responsible to the Deputy Premier, and I will certainly be pleased to take the matter up with him.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. Will the Attorney-General inform the Council why the private enterprise system will be cheaper than the Government system? The Attorney skirted over that point in his reply and I would like more detail about how the private enterprise system was cheap enough to tip the scales in its favour.

The Hon. K. T. GRIFFIN: The answer is simple. With an independent contractor providing this service, the Government pays only for the time when the contractor is engaged on a particular task.

The Hon. C. J. SUMNER: I also desire to ask a supplementary question. Is it Government policy to scale down the Government Reporting Division through natural attrition?

The Hon. K. T. GRIFFIN: The Government intends to maintain a core of court reporters. I will make inquiries about how many will be in that core and bring down a reply.

The Hon. C. J. SUMNER: Is the Attorney-General prepared to give a guarantee that the core of Government court reporters will remain at its present manpower level?

The Hon. K. T. GRIFFIN: I am not prepared to give an unqualified guarantee.

The Hon. C. J. SUMNER: In that case, why did the Chief Reporter of the Court Reporting Division say that the transfer of the Government Reporting Service from the Industrial Court to the courts at Victoria Square and Grenfell Street was not being done with the intention of phasing out reporters or transcription typists? Surely that statement indicates that there is an intention to maintain the court reporting service at its present level, because it specifically refers to not phasing out reporters or transcription typists. Why has the Government changed its policy?

The Hon. K. T. GRIFFIN: It is the Leader, not I, who says that the Government has changed its policy. I will make further inquiries about the reasons and in what context the minute was prepared by the Chief Reporter.

S.T.A. ASSAULT

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General, representing the Minister of Transport, a question about an alleged assault.

Leave granted.

The Hon. N. K. FOSTER: This morning I was approached by a Mr Howie, and I am sure he is known by most members of this Council. The Hon. Mr Carnie and I have been associated with Mr Howie in relation to certain regulations before this Council. Mr Howie was hospitalised for a few weeks. This morning he parked his car (he considered legally) at bus stop 9 on Goodwood Road. Some people might think that is a bus zone. Mr Howie was subsequently abused by an operator of an S.T.A. bus at that stop and was threatened with assault. Mr Howie requested an apology from the driver, but it was not forthcoming and more abuse was hurled at him.

I understand that Mr Howie made every attempt to contact the Director-General of Transport about this matter, and possibly did so. Mr Howie then waited until the driver came around to bus stop 9 again, gave the driver a further opportunity to apologise, and was further abused. I believe that an S.T.A. inspector was present on this occasion and possibly a police officer. The S.T.A. inspector, it is alleged, wilfully opened Mr Howie's car door and attempted to remove him from his vehicle after he had correctly refused the inspector's request or order to get out of the car.

This is a simple case of allegation and counter allegation which could have been satisfied through an apology, but it was escalated; in fact it was an overkill by officers of the State Transport Authority. This matter has resulted in a member of the public possibly being threatened. This type of behaviour is very serious. I am a motorist who has not been stopped for anything other than speeding for quite some time, and I find buses pretty hard to put up with. However, one must recognise their service as a form of public transport.

I do not raise this matter lightly. For an S.T.A. operator to alight from his bus and carry on in this way, even if not to the serious extent alleged, should be brought to the Minister of Transport's attention. Will the Attorney refer the matter to the Minister of Transport and bring down a report to ensure that the safety of the public and its rights are not encroached upon by over-zealous S.T.A. operators?

The Hon. K. T. GRIFFIN: I will refer the question to the Minister of Transport and bring down a reply.

MINISTER'S STAFF

The Hon. ANNE LEVY: Does the Minister of Local Government, representing the Minister of Education,

have a reply to the question I asked on 4 March about the staff of the Minister of Education?

The Hon. C. M. HILL: Following recommendations of the Keeves Committee of Inquiry into Education, a small Ministry of Education has been established, comprising five positions. Mr B. J. Grear, a Director in the Department of Agriculture, has been seconded to the position of Acting Director. This is a Public Service appointment. No additional positions have been created, because existing positions in the Education Department and the Department of Further Education will be relinquished as the remaining positions are filled.

BLOOD LEAD LEVELS

The Hon. ANNE LEVY: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to the question I asked on 5 March about blood lead levels?

The Hon. J. C. BURDETT: My colleagues, the Ministers of Health and Industrial Affairs, have investigated the matter referred to by the honourable member. Although the Industrial Safety, Health and Welfare Act is administered by the Department of Industrial Affairs and Employment, officers from the department, as well as the S.A. Health Commission, have been involved in arranging improved lead hygiene in the factory. The employer has taken positive steps by banning eating, smoking and drinking in the lead processing areas and insisting upon good personal hygiene. However, battery breaking is an inherently dirty process and the areas involved are inevitably contaminated with lead oxide dusts which will present a continuing hazard. Consequently, appropriate health and safety precautions must always be taken by workers involved in the process.

Inspections have shown that the contamination does not extend throughout the factory and, therefore, it is unnecessary for all employees to have their blood lead levels taken. Most of the workers work well away from the source of contamination in situations which do not present a lead hazard. The Inspector of Industrial Safety, Department of Industrial Affairs and Employment, issued a number of written orders on the company in March and they were: not to use the machine again until all safety and health requirements are met; clean up the yard outside the battery crushing plant; and clean up all the lead oxide from the machine and factory building.

Soon after the orders were issued, the S.A. Health Commission took further air-sampling tests which showed lead in air concentrations only exceeded the threshhold limit value for lead in one area of operation, that is, cleaning around the crusher machine. The Inspector of Industrial Safety has since given further instructions that the cleaners must wear respirators when again undertaking such operations and he will follow up the matter to ensure that these instructions are being carried out. The order to not use the crushing plant until it meets the requirements of the Department of Industrial Affairs and Employment and the S.A. Health Commission still stands and the manager has assured the inspector he will contact both the department and the Health Commission when he is ready to use the subject machine again.

The Inspector of Industrial Safety advises that only one person, a welding contractor hired to carry out work in the manufacture of the machine, has left the premises. The other persons are still employed. I also understand that the company holds workers compensation insurance and that those persons who have lodged claims for worker's compensation have been paid. The honourable member can be assured that surveillance of occupational health and safety arrangements within the factory will continue.

EYRE PENINSULA CULTURAL CENTRE

The Hon. FRANK BLEVINS: I seek leave to make a brief statement before asking the Minister of Arts a question about the Eyre Peninsula Regional Cultural Centre Trust.

Leave granted.

The Hon. FRANK BLEVINS: It has been accepted by the people of Whyalla that a decision has been taken by both this Government and the previous Government that a cultural centre will be built in that city. Given the Minister's reply yesterday to my question on this topic, will he now say whether the Government is considering not proceeding with the project? Also, in his reply to the question, will the Minister please not go through the history of this and every other cultural centre in South Australia?

The Hon. C. M. HILL: The Government has the matter of funding for this proposed cultural centre under consideration. I stressed that point yesterday, and I now state those words clearly for the honourable member again.

P.E.T. BOTTLES

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a further reply to the question that I asked some time ago concerning combustibility tests or clean-burn tests which were done on P.E.T. bottles? It concerns a report from Amdel.

The Hon. J. C. BURDETT: In response to a question asked by Dr Cornwall on 11 February 1981 concerning P.E.T. bottles, it was indicated in part 5 of the answer from the Minister of Environment that a copy of a report from Amdel would be provided as soon as the Department of Environment had responded to the Minister's request for additional information. The report is now available and, if the honourable member wishes to call on me to table it, I will do so.

The Hon. J. R. CORNWALL: I request that the report be tabled.

The Hon. J. C. BURDETT: I table the report.

CAT SKINS

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, to whom I think my question should be addressed, a question about cat skins.

Leave granted.

The Hon. C. W. CREEDON: A constituent wrote to me yesterday and expressed concern about an advertisement that appeared in the *Advertiser*—she is referring to last Saturday's *Advertiser*—concerning Crompton and Sons seeking to buy fox skins, cat skins and rabbit skins. Some years ago in this Parliament the use of gin traps—rabbit traps—was banned as a means of catching animals and cats which abound in suburban neighbourhoods. My constituent states that there has been some controversy in New South Wales of late because household pets seem to be sought after by people wishing to buy the skins. My constituent says that there should be no legitimate market for cat skins. I did not know that there was, which is why I now raise this matter. Is the Premier aware that Crompton and Sons is advertising in the daily press for cat skins? Can

the Premier explain what use is made of cat skins within South Australia, or are they exported?

The Hon. K. T. GRIFFIN: If it is not a matter for the Premier, I will find someone to handle that sort of thing and bring down a reply. I move:

That Standing Orders be so far suspended as to enable Question Time to continue until 3.40 p.m.

Motion carried.

HERITAGE AGREEMENTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Environment, a question on heritage agreements.

Leave granted.

The Hon. ANNE LEVY: Last year this Council passed legislation dealing with the establishment of heritage agreements. In late November I received a copy of a pamphlet setting out all the details of heritage agreements and the advantages which would apply to individual landowners who wished to sign an agreement with the Government reserving or protecting part of their property under a heritage agreement. This booklet was produced by the Department of Environment and Planning and, at the time, I thought it an excellent little pamphlet which I hoped would encourage people to make heritage agreements with the Government.

Since then there has been considerable publicity concerning one landowner in the western part of the State who has concluded a heritage agreement and who, under the agreement, has put a considerable part of his property, including coastal sand dunes on which he has previously spent much time and money maintaining native vegetation and the natural environment, under an agreement. I am sure that all people in the State owe a debt to this person, who is to be commended for having concluded one of these agreements. However, one agreement does not seem sufficient to justify special legislation and many pamphlets.

I was wondering whether we could get as soon as possible a report from the Minister of Environment regarding the heritage agreements and what has happened in this regard in the last 6½ months since the legislation was proclaimed. In particular, I wonder how many heritage agreements have been signed so far and how many inquiries have been initiated by landholders towards setting up heritage agreements which may or may not be in the pipeline at the moment?

At the time the legislation was passed we were told that the initiative would come not only from the landholder but also from the Department of Environment, which would be contacting individuals who owned land with vegetation of considerable environmental significance to persuade them to enter into heritage agreements. Can the Minister tell the Council how many landholders have so far been contacted by the department with the aim of seeing whether a heritage agreement can be set up? Finally, we were also told at the time of the passage of this legislation that the Department of Lands, which gives approval for clearance of native vegetation, would be referring such applications for approval of clearance to the Department of Environment so that it could see whether a heritage agreement was desirable for such an individual rather than land clearance. Can the Minister tell the Council how many landholders have been contacted by the department as a result of referrals from the Department of Lands after application for land or vegetation clearance has been made, with the intention of suggesting a heritage agreement instead of vegetation clearance?

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

COURT REPORTERS

The Hon. C. J. SUMNER: I seek leave to make a brief statement prior to directing a question to the Minister of Consumer Affairs, as Minister in charge of the Commissioner for Equal Opportunity, on the subject of equal opportunity for women.

Leave granted.

The Hon. C. J. SUMNER: One of the career services in the Public Service in which women are well represented is the court reporting service. This is one of the few areas where women dominate and have some reasonable prospect of success in terms of promotion. It is also possible for women to be employed part-time and thereby be able to be employed and have a family. Representatives of court reporters have told me that, if the court reporting service is destroyed, whether by natural attrition or not, this avenue of advancement that has traditionally been available for women in the Public Service will be destroyed. Will the Minister ask the Commissioner for Equal Opportunity to investigate the blow to equal opportunity for women in the Public Service by the running down of the court reporting service?

The Hon. J. C. BURDETT: I think the Leader is well aware that the task of the Commissioner for Equal Opportunity, as set out in the Sex Discrimination Act, is to deal with complaints brought to her by individuals.

The Hon. C. J. Sumner: I'm complaining.

The Hon. J. C. BURDETT: I do not know whether anyone is discriminating against the Leader, but he says he is complaining. I repeat that the traditional way and the way laid down in the Act under which the Commissioner operates is that an aggrieved person, a person who claims to have been discriminated against, makes a complaint to the Commissioner. The Commissioner's role is to conciliate on the matter.

The Hon. C. J. Sumner: Do you suggest that she conciliate with the Government?

The Hon. J. C. BURDETT: I ask the Leader to let me finish. He apparently has a misapprehension as to the task of the Commissioner and I am going to put him straight and tell him what I am prepared to do. The role of the Commissioner for Equal Opportunity is to conciliate between an aggrieved person personally and the employer personally. That is all that her job is. However, as the honourable member has raised this matter, I will most certainly refer it to the Commissioner.

REPLIES TO QUESTIONS

The Hon. ANNE LEVY (on notice) asked the Attorney-General: When will replies be given to questions asked over three months ago, concerning:

(*a*) Minister's staff (asked on 4 March 1981); and

(*b*) Blood-lead levels (asked on 5 March 1981)?

The Hon. K. T. GRIFFIN: The member has had replies given earlier today and, accordingly, I do not think the matter needs to be taken further.

PRESIDENT'S RULING

Order of the Day, Government Business, No. 1: the Hon. C. J. Sumner to move:

That the ruling of the President be disagreed with.

(Continued from 10 June. Page 4082.)

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a personal explanation in regard to this Order of the Day.

Leave granted.

The Hon. C. M. HILL: I am mindful of the fact that we have had a very busy period in the past two weeks. This is our last day of sitting and I am sure that all members want to get through the Notice Paper as expeditiously as possible and concentrate their remarks on the important issues involved in the various matters to be discussed this afternoon. Also, I do not want to be a party, if I can avoid it, to any debate which might cast some adverse reflection upon the Chair of the Legislative Council.

On thinking about this particular matter that is before us, I recollect that it commenced in the heat of debate yesterday, when I made a remark across the Chamber that a certain member opposite would not know the meaning of the word 'honesty'. I have had time to reflect on that matter and, if that remark did offend the particular member or if it offended any of the members opposite, I am quite happy to withdraw it. Having done that, I wonder perhaps whether it is necessary for the Hon. Mr Sumner to continue with his motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: I appreciate the remarks made by the Hon. Mr Hill in withdrawing what was said yesterday. As you will appreciate, the motion that I moved was a consequence of the interchange that the Hon. Mr Hill has now explained and withdrawn, withdrawn particularly in its reflection on the member concerned. Accordingly, I seek leave to withdraw my motion.

The PRESIDENT: In order to achieve what the Leader wishes, he would have to move that the Order of the Day be discharged.

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

That this Order of the Day be discharged.

Order of the Day discharged.

OFFENDERS PROBATION ACT AMENDMENT BILL

In Committee.

(Continued from 9 June. Page 4018.)

Clause 2—'Commencement.'

The Hon. C. M. HILL: At this stage, I think I should remind members that in this place on Tuesday last the debate on the Bill reached this Committee stage and was adjourned until today by an arrangement between members. While all members participating in the debate expressed support for the Bill in principle, there was some concern relating to certain provisions. The Chief Secretary, the Minister responsible for this legislation, with the Minister of Industrial Affairs, yesterday met Mr Bob Gregory, Secretary of the United Trades and Labor Council, and Mr Bob Fairweather, Secretary of the Plumbers and Gasfitters Union, and other officers.

Mr Gregory and Mr Fairweather expressed strong support for the scheme in principle, as was the case when the Chief Secretary and Mr Gregory held discussions on a previous occasion. The detailed discussions that took place yesterday have led the Government to propose certain amendments to the Bill in order to ensure its smooth operation.

I now take the opportunity to outline these amendments briefly. There is provision in the Bill for the Community Service Advisory Committee to consist of between three and five members. One of these persons is to be appointed by the Minister from a panel of three persons nominated by the Trades and Labor Council. In place of that provision, the Government now proposes that one person would be appointed by the Minister, after consultation with the Trades and Labor Council. The Community Service Advisory Committee will formulate guidelines for the approval of projects and tasks suitable for community service.

Certain criteria will be applied in the selection and approval of tasks and these will be similar to the criteria which apply to the home handyman scheme. This will ensure where personal assistance is given that only needy persons will be recipients of service under the scheme. Tasks undertaken by offenders will not include the work which is normally and reasonably carried out by paid labour. In addition, it is proposed that the Minister shall appoint one person, after consultation with the U.T.L.C., to be a member of each community service committee.

The Hon. C. J. Sumner: Aren't you glad that you have done it now after all your carrying on?

The Hon. C. M. HILL: I hope that the Leader is willing to co-operate as the Bill passes through Committee. This provision is not included in the present Bill. The Government also proposes to provide insurance cover for offenders and for voluntary supervisors. There will be one type of insurance policy for offenders and a separate policy, with higher benefits, for voluntary supervisors.

It is intended that the insurance will cover medical expenses, a lump sum payment for loss of life or limb (at the same level of compensation as provided for in the present Workers Compensation Act) and compensation for wages lost at a rate and with a limit to be determined.

The conditions of these compensation policies will be drafted by the Law Department as quickly as possible, and an undertaking has been given that at a later date further consultation will take place between the United Trades and Labor Council and the Chief Secretary regarding the specific conditions. However, the Government reserves the right to decide the ultimate provisions of these compensation policies. In light of the discussions that have occurred, I urge this Council to support the Bill with these slight amendments. In keeping with the arrangements that were made at that meeting, it was agreed that the Minister of Industrial Affairs should send a letter to Mr Gregory. I will read the copy of that letter sent by the Minister to the Secretary of the United Trades and Labor Council, as follows:

> Dear Mr Gregory, Following our discussion on Wednesday 10 June at Parliament House, I enclose a written statement which was delivered by the Hon. Murray Hill, M.L.C., in the Legislative Council and the Hon. W. Allan Rodda, M.P., in the House of Assembly on Thursday 11 June 1981. This statement outlines the Government's policy in regard to consultation with the United Trades and Labor Council on the nomination of a U.T.L.C. representative on the advisory committee; the inclusion of a U.T.L.C. representative on each community service committee; and the provision of insurance protection for offenders and volunteers participating in the community service order scheme.
>
> I believe the Hon. the Chief Secretary has instructed the Law Department to prepare two agreements relating to insurance cover for offenders and for volunteers as soon as possible. Once these have been prepared, the Chief Secretary will contact you so that further discussion can take place.
>
> Yours sincerely,
>
> Minister of Industrial Affairs

I hope that that explanation and my reading of the letter will clarify the Government's position and explain fully the arrangements that have been agreed to at the conference which developed at the suggestion last Tuesday of the Hon. Frank Blevins. I trust that members opposite will take these statements into account when we consider the amendments which I have placed on file.

Clause passed.

Clause 3—'Interpretation.'

The Hon. G. L. BRUCE: I concur in what the Hon. Mr. Hill has said. Talks have taken place and I have been advised by the Secretary and President of the Trades and Labor Council that they were quite pleased that those discussions had taken place. I place on record my appreciation of the part that the Hon. Lance Milne played in bringing about those discussions and also the goodwill with which the Government entered into them. I refer to offences other than murder or treason. If they are the only two crimes referred to, it may create undue fear at large that all types of criminals can be out on work order schemes. Could armed robbers, rapists, and so on, be involved in the scheme?

The Hon. C. M. HILL: Murder and treason were apparently overlooked when capital punishment was abolished in 1976. The Act refers to crimes punishable by imprisonment but at that time the court could only impose the death sentence for those crimes.

The Hon. G. L. BRUCE: Is it necessary to spell out to the community that offenders convicted of serious crimes would not be included in a scheme of this nature?

The Hon. C. M. HILL: No, we do not believe that it is necessary.

The Hon. G. L. BRUCE: Does it therefore give flexibility to such serious offenders to be involved in work order schemes? Is there no limitation, if the judge so desires, and does the Minister see that as being wise? Does he believe that it will be conceived by the public as being too far reaching?

The Hon. J. C. BURDETT: The Minister in charge of the Bill has pointed out that the only reason that murder and treason were mentioned was to clear up an anomaly, as those crimes at one stage were not punishable by imprisonment. It is only a discretion given by the court as regards work orders.

The Hon. C. J. Sumner: For all offences except murder and treason?

The Hon. J. C. BURDETT: Yes. Surely one realises what the wide powers of the Offenders Probation Act already are.

The Hon. C. J. Sumner: I am not complaining—

The PRESIDENT: Order! The Minister is attempting to clarify the point.

The Hon. J. C. BURDETT: As the Act stands at present in regard to serious crimes, an offender can be released on a bond, or there can be no punishment at all. Clearly, although the courts do not usually exercise those powers of releasing on a bond or anything of that kind in regard to rape, they do have that power. So, I ask the Hon. Mr Bruce to recognise that, in regard to rape, the courts already have power to release a person on a bond, so that he is free in the community.

What is envisaged here is a degree of supervision. Therefore, the honourable member need not think that there is any kind of precedent. The courts already have even wider powers to release persons convicted of serious charges.

The Hon. G. L. BRUCE: I understand that an amendment provided recently that the Attorney-General can appeal against a sentence. Can he also appeal against the decision to place someone on one of these work orders?

The Hon. J. C. BURDETT: Yes.

Clause passed.

Clause 4—'Provisions relating to administration.'

The Hon. G. L. BRUCE: New section 3a (5) provides that the Minister shall promote the use of volunteers in the administration of this legislation to such extent as he thinks appropriate. Is it envisaged that any payment whatsoever will be made to such persons? After all, volunteers will incur certain travelling expenses, and surely they should have some right of receiving remuneration for any expenses so incurred. Also, such a payment would give these people a certain sense of responsibility to attend.

The Hon. C. M. HILL: It is envisaged that the volunteers who will be involved in this work will not be remunerated.

The Hon. G. L. BRUCE: Does that not seem wrong? These people must travel to the job, and surely there must be some recognition of their service on that basis. I do not believe that these people will accept the responsibilities involved if they are not paid even a travelling allowance. There should be some form of remuneration, not necessarily in line with a full day's pay but a reflection of the effort that has been put into the job.

The Hon. C. M. HILL: I believe that it will be possible for some reimbursements, such as for travelling time, and so on, to be considered if items of expenditure are incurred by volunteers. However, the general principle is that the service that these people give on the job as volunteers will not be compensated for in any monetary way. I think that it would be practical for some reimbursements to be made for definite expenses that have been incurred.

The Hon. G. L. BRUCE: I have already referred to travelling. However, a meal also would be involved if a whole day was put in. One could therefore run into considerable expense with travelling and meals, and I think that some consideration should be given to this. This is new legislation, and I accept the Minister's assurance that this matter will be looked at if the occasion arises. The work should not be completely voluntary on the basis of no pay.

Clause passed.

Clause 5 passed.

Clause 6—'Probation orders and conditions of recognizance.'

The Hon. G. L. BRUCE: I said during the second reading debate that I was curious regarding how the Government fixed the period of 240 hours of community service, whereas the Tasmanian legislation provides for a period of 25 days. Also, under the Tasmanian legislation, if a probationer, because of a transport strike, or because of other means beyond his control, could not report for such work, or, if he could do so, but on arrival at the site could not work because of, say, inclement weather, it would count as one day of his 25 days community service. Is there any need to spell out clearly what constitutes the 240 hours community service? If a person, having arrived at the work site, could not for reasons beyond his control do any work, would he be credited with only one hour, or a whole day, of community service? In the Tasmanian legislation, such persons are paid travelling time involving a distance of 11 kilometres. Indeed, the relevant section of the Tasmanian Act provides:

> For the purposes of subsection (1), an employee shall not be required to travel between his place of abode and the place at which he is required to report, in addition to the

distance for which transportation is provided, a distance, measured by the shortest practicable route, of more than 11 kilometres.

I notice that a reasonable distance that one should travel is not spelt out. Will the Minister explain the reasons for the Government's fixing the period of 240 hours, and will he say what constitutes work in that time?

The Hon. C. M. HILL: I think that underlying the honourable member's question is the fact that he is approaching his review of the Bill in a very detailed way, and, of course, he is relying on precedents in other States. This legislation is in some respects being left quite flexible; in some respects it is proposed in somewhat of a general form because it is new legislation, and because it is in the best interests of the new system that a certain degree of flexibility be included. Then, with the passing of time, observations can be made to see whether there is a need for further strictures or for a tightening up of the general scheme. The Government prefers that this flexibility should remain.

At the same time, the Government gives an assurance that, in the trial and error approach that will apply in the early stages, close observations and monitoring will be undertaken to see to what degree the scheme is evolving. That general approach is probably better in new legislation of this kind.

The honourable member asked about the period of 240 hours community service referred to in this clause. That period was established simply on the basis of eight hours worked on the Saturday, added to which are the two hours worked for education purposes during the week. That simply means a period of 10 hours a week, and the plan is that an offender should complete his order within six months. Because of that period of time, with 10 hours a week being involved, the 240-hour figure has evolved.

The Hon. G. L. BRUCE: I accept the Minister's explanation. However, I am concerned that the Bill does not define what is a day's work. It would seem completely wrong that, if a person wipes a day out of his social time in order to do work, and he is then sent home after only an hour, he is credited with only that hour. If the person concerned cannot work through no fault of his own, he should have the benefit of having that day placed to this credit.

It could lead to problems and discontent amongst probationers if this is not spelt out clearly. They will need to know what will constitute a day's work if they do not work a full eight hours. It is spelt out properly in Tasmania, and it seems to work quite well. If an offender works for only two hours before being sent home and is not credited with a full day's work, he may not bother to show up again and can therefore be in more trouble.

The Hon. C. M. HILL: As a result of amendments that I will be moving, considerable changes have been made to the composition of the community service committee. If my amendment is accepted it will include a representative from the Trades and Labor Council. These committees will be locally based and will arrange and approve work and generally supervise the scheme. A lot will depend on the committee's approach in relation to the work done by the probationers. I believe it would be in everyone's interests if eight hours actual work is available for probationers each time they report.

The Hon. G. L. Bruce: What about inclement weather?

The Hon. C. M. HILL: I place doubts and possibilities such as that under the heading of 'flexibility'. I believe those supervising this scheme will make a fair and reasonable assessment about the work done by a probationer. One can envisage many circumstances where it could be quite unreasonable for a full day's work to be credited to a probationer if he has done only one or two hours work. Once the scheme is working many of these situations will evolve. The supervisors have been fully trained, the committees are now more representative than they were, and I am sure that difficulties such as those envisaged by the honourable member will be resolved as the scheme progresses.

The Hon. G. L. BRUCE: There appears to be a clash of interest between probation and community service officers. Under this clause, I believe, community service officers become probation officers. Community service officers are not properly trained to deal with the problems faced by probation officers, and I think that should be avoided. Probation officers have been trained to rehabilitate prisoners. Community service officers do not have the training to do that. Has the Government considered that?

The Hon. C. M. HILL: The community service officers are probation officers.

The Hon. G. L. Bruce: They are one and the same?

The Hon. C. M. HILL: Yes.

Clause passed.

Clause 7—'Insertion of new subsections 5a, 5b and 5c.'

The Hon. G. L. BRUCE: I am concerned about the two hours of education that will be given to probationers. Will the curriculum be based on the needs of probationers, or will it be a standard lecture delivered to everyone? Will the lectures be conducted at a night school or at a central location?

The Hon. C. M. HILL: This clause relates to the Government's rehabilitation policy. We are attempting to achieve a situation in the future where a probationer who has been proven guilty of an offence will not offend again. The total sentence of the court should be seen as a deterrent against offending in the future and partly as an attempt to rehabilitate probationers back into a law-abiding life.

Much flexibility must be given as to the form of tuition and education best suited to the person concerned. The clause is wide, so that the officer may direct that he goes to some school or he himself may talk to him or send him elsewhere for discussion or tuition.

It is absolutely proper that that kind of flexibility should be given to an officer so that he can do his best for the probationer. If one restricts the ability of the community service officer to do his best and to use his initiative in his efforts to rehabilitate the probationer, then one imposes restrictions on the whole programme which can work contrary to the best results. The Committee should accept that the period of time—two hours—will be used to the best advantage of the probationer. It will be used under the direction of the community service officer who, because of his training and career, will certainly give the best possible instruction to the probationer in regard to his circumstances.

The Hon. G. L. BRUCE: I am not attacking the Minister in regard to the Bill, because in no way would I seek to do anything against the proper education or rehabilitation of a probationer. I am concerned about the provision under which the Director has power to impose an additional 24 hours of community service work. Although I am concerned about this provision, at this stage I do not intend to move an amendment to it. However, there is no right of appeal against this additional penalty. I would have thought it proper for a probationer to have a right of appeal against the imposition of such a penalty. I do not suggest that it should be a mandatory right of appeal but

that the right should be available if the probationer so desires.

The probationer may desire to accept the additional penalty because he knows that he is in the wrong, but a case could arise in which personal antagonism is involved, and in such circumstances a prisoner has no right of appeal. In nine cases out of 10 a probationer would know the penalty was justified and would wear it, but if there is an element of doubt a probationer should have a right of appeal, and going with that right if the probationer appears before the court additional punishment could be extended beyond 24 hours, and the probationer could be subject to heavier penalties. That would be a risk he would have to take. Fair play dictates that there should be some right of appeal it it is desired by the probationer.

The Hon. C. M. HILL: The question of fair play is satisfied by the fact that the penalty must result from an instruction from the Director as compared with the situation in which a community service officer could have been considered to be the party imposing the additional penalty of 24 hours on the probationer. Those who hold the office of Director are senior officers with proven ability and long service in the field. One can accept that, for a Director to deliberate on such an issue as this and then enforce further hours of work, it would mean that the Director would have first heard of the situation from the community service officer and could have made inquiries himself of the probationer and treated the probationer fairly.

Because there is a need for this penalty to go as high in the service as the Director, the honourable member can be well assured that unfair treatment in this case is not likely and would not be the case. The total of 24 hours applies over the whole period of the bond. It is certainly not for one offence or a second offence. There is a precedent in the recently passed Prisoners Act Amendment Bill, where a superintendent of a prison may award less than 10 hours conditional release and the legislation provides that, where the prisoner has not observed the prison rules of conduct, the superintendent (the senior officer there) has to consider the issue and make a judgment. In view of that precedent and as this matter must go before the Director, one can be well assured that there will not be any unfairness in this regard.

Another point that comes to mind is that there will now be a representative of the Trades and Labor Council on the local community service committee, and the probationer will be in close liaison with that committee as well as working under the control of the officer, and that may be another means by which, if there was any real unfairness in the matter, it could be brought to the surface and talked through. Justice could be done in that way.

The Hon. G. L. BRUCE: I understand that if there was a volunteer supervisor he would not be imposing the additional 24 hours, because that would be left to a community service officer. The punishment would come from the Director and not the volunteer?

The Hon. C. M. HILL: That is exactly so.

The Hon. R. J. RITSON: I would like to make an observation which might help set the Hon. Mr Bruce at ease on this point. The Bill contains various other sanctions of a judicial nature that would apply if there was a substantial breach of the probation conditions. This administrative sanction is an important part of control. For example, the prison authorities feel that the ability to give minor awards for punishment at the administrative level is an important part of controlling a prison, and I suggest to the Hon. Mr Bruce that to have an administrative minor award or punishment system built into the Bill below the level at which the matter might come back before the court as a breach of the terms of probation does two things: it gives practical control over the behaviour of probationers and, in a sense, it is an alternative for them to be confronted with a situation where they might otherwise be reported for a breach of probation and perhaps have to serve imprisonment.

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

Page 5, line 33, insert new section as follows:

5ba. (1) The Minister shall provide insurance upon such terms and conditions as he thinks fit for probationers in respect of death or injury arising out of, or occurring in the course of, community service undertaken pursuant to recognizances.

(2) The Minister shall provide insurance upon such terms and conditions as he thinks fit for persons appointed as voluntary supervisors of probationers undertaking community service pursuant to recognizances in respect of death or injury arising out of, or occuring in the course of, carrying out their duties as supervisors.

(3) The cost of providing insurance cover under this section shall be borne by the Crown.

This is intended to cover the aspect of insurance, which was quite a big issue in the previous debate and was queried by members opposite. As a result of the conference yesterday, arrangements have been made and agreement has been reached between those at the conference for this provision to be included in the Bill.

The Hon. G. L. BRUCE: There will be a two-tier type of insurance and I understand from discussions with the Trades and Labor Council that there will be a lesser provision for wages for the prisoner as against the volunteer, and there will be an equal basis for hospitalisation and medical for both. Can the Minister indicate that the prisoner will not be unduly disadvantaged to the extent that he would suffer by the two tiers? Will it be a reasonable expectation by the prisoner that he will get what he would have been getting normally outside?

The Hon. C. M. HILL: The probationer will be treated quite fairly by the proposed insurance scheme. It is based on broad terms and some of the interstate practices. I understand that the matter was discussed in detail at the conference. There has to be further correspondence, and agreements have to be entered into. Mr Gregory is quite happy to await those agreements being prepared. I think one can assume that, as a result of the agreements arrived at by the representatives of the council and the two Ministers, it can be said that the proposed insurance arrangements are quite fair from the point of view of the probationer and from every other point of view.

Amendment carried.

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

Page 5, lines 37 and 38—Leave out 'from a panel of three persons nominated by' and insert 'after consultation with'.

Much objection was taken last Tuesday to the Minister's appointing one person to the Community Service Advisory Committee from a panel of three nominated by the Trades and Labor Council. The arrangement agreed to yesterday is that, in lieu to that approach, the Government will agree to an approach that will mean that a person will be nominated 'after consultation with the United Trades and Labor Council'. That removes the objection.

The Hon. C. J. Sumner: There will still be someone from the Trades and Labor Council?

The Hon. C. M. HILL: Yes.

Amendment carried.

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

Page 6, after line 5—Insert new paragraph as follows:

(ab) one shall be appointed by the Minister after consultation with the United Trades and Labor Council;.

That adds to the membership of the Community Service Advisory Comittee a person who shall be appointed by the Minister after consultation with the Trades and Labor Council. Members opposite stressed that they thought a representative from the council ought to be on those local committees, just as one is on the parent committee, the Community Service Advisory Committee. The Government has agreed to the submission by members opposite that the Bill could be improved in this way.

Amendment carried.

The Hon. G. L. BRUCE: Is the Government giving any thought to putting the guidelines in the Bill? Can the Minister indicate what has been agreed to? It is going to sort out the needy from the greedy. My concern is with new subsection (9) *(b)*. Funds could be available and be withdrawn. Some unscrupulous councils or others could make sure that funds were not available so that the jobs were done by probationer labour.

The Hon. C. M. HILL: The Government has specified that it intends to use the guidelines that are accepted under the home handyman scheme regarding the choice of work. At the conference, the Government, through the Ministers, gave an assurance to the Trades and Labor Council that, where paid work was involved, the proposed scheme would not in any way be in conflict with that. Those guidelines for the home handyman scheme, which was taken as a model, have been forwarded to Mr Gregory and he seems happy with the arrangement. We accept the principle so strongly held by members opposite in that regard. Regarding work for which funds were available and perhaps might be withdrawn, that is determined by the situation at the particular time.

If funds are available at that time for certain work to be carried out then that would not be included under the scheme because of new subsection (9) *(b)* to which the honourable member has referred. The question is whether funds are available at the point of time when the work is being considered as being suitable for a probationer; it hinges on that issue.

Clause passed.

Clause 8—'Repeal of ss. 6 and 7 and substitution of new section.'

The Hon. G. L. BRUCE: This clause makes reference to giving 'reasonable directions'. We all know what a reasonable direction should be. Who decides whether the directions are unreasonable? Can an indication be given as to how the Minister sees a reasonable direction?

The Hon. C. M. HILL: If the issue becomes a dispute between a probationer and a probation officer, it means that the probationer would simply have to do the work but he in turn could report the matter to the committee. I do not dispute the matter. In this situation we have to accept the reality. The probationer has offended and has been proved guilty. He cannot be given an opportunity to tell the probation officer that he does not want to do this or that. One has to be pragmatic and someone has to be in charge. On the other hand, if the probation officer was unreasonable in giving certain instructions, there are means and machinery by which the situation could be looked into by the committee or considered by a higher authority. It could well be that the probationer could refuse to do the work, thereby entailing proceedings, and the whole issue would come out in the inquiry that would result. Generally speaking, it is the only way that a legislator can lay down such a provision. I would hope that in the vast majority of cases, if not all cases, we will not have any serious problems.

Clause passed.

Clause 9 passed.

Clause 10—'Power to revoke or vary a condition of a recognizance, or to discharge recognizance.'

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

> Page 8, line 22—After 'instrument in writing,' insert 'and after obtaining in the prescribed manner the approval of a stipendiary magistrate,'.

It concerns me that there could be a taint of politics coming into this. We believe that it should be a two-man decision so that there would be no taint or suspicion and that some favouritism cannot come into the system. We do not see that as being unreasonable and believe that it is a safeguard that the Minister would welcome.

The Hon. C. M. HILL: I can assure the honourable member that there is no concern politically in this regard.

The Hon. G. L. BRUCE: I thought that it could have political overtones for the Government in power if it decides to waive the obligation to have the probationer under supervision. We believe that it is not fair on the Minister and that it is not a power that the Minister would seek or want. If a stipendiary magistrate is involved, the recommendations and clearance by him take out any taint of personal favouritism or politicking. We are not alleging that, but it could be construed by some people. We cannot see it detracting from the Bill.

The Hon. C. M. HILL: The amendment would appear to add a cumbersome and time-consuming procedure to the envisaged situation where the Minister could waive the supervision, for example, where the probationer needed to leave the city for a job in a country area. It is in situations like that that we would want to avoid anything cumbersome or time-consuming. Therefore, it would be better to keep the legislation in its present form.

The Hon. J. C. BURDETT: I can understand the Hon. Mr Bruce's viewpoint. I would oppose the amendments for the reasons given by the Minister, namely, that the procedure in the Bill is simpler and less cumbersome. I also suggest that it is very unlikely that there could be political overtones or a suggestion of the Minister acting improperly. He has to give his reasons in writing and he would always act on advice and reports contained in the file. It seems to me in these circumstances that there is no real risk of abuse and that the procedure is simpler than that which is set out in the amendment.

The Hon. G. L. BRUCE: I am not convinced by the Minister's explanation, and I cannot understand why he does not accept this amendment. I remember some time ago when the National Parks and Wildlife Act Amendment Bill was before the Parliament. That Bill removed from the Minister his responsibility of deciding whether guns should be returned to persons. I take note of what the Minister of Local Government has said. However, I cannot see how it would be that top heavy. Rather, it would be a safeguard, so that allegations could not be made that the person involved was a friend of the Minister, and so on. It would be a safeguard if a second opinion had to be obtained, and it would be more of a machinery measure. In view of the Government's argument, I do not think that I should desist from proceeding with my amendment.

The Hon. J. R. CORNWALL: The point has been made well by the Hon. Mr Bruce that only three months ago honourable members had before them an amending Bill introduced by the Government to take away a rather onerous responsibility from the Minister of Environment, who was originally charged under the National Parks and Wildlife Act with the responsibility of deciding in each case whether firearms should be returned to owners after they had been confiscated.

I can speak from personal experience in this matter. A Minister of the Crown does not live in a vacuum or a

cocoon. Ministers traverse the countryside in the course of their duties and run into a large number of people. Inevitably, they must run into a person, or a friend or relative of that person, who has an order against him. Where Ministerial discretion is involved, inevitably some sort of pressures are put on one, or, to use the Hon. Mr Dunford's expression, 'someone tries to pull your coat'.

It is stupid to write something like this into the legislation that will put the Minister of the day, regardless of which political Party is in power, in this invidious position. It would be most regrettable if a Minister was placed in a position where, no matter how moral, firm or far above any criticism he might be, he had to take a decision on each individual case and, inevitably, be subjected to some sort of pressure from groups or individuals.

The Hon. C. M. HILL: This is an entirely different matter from that where a Minister must make a judgment whether he will take a gun away from a person. That is a judgment as to whether a penalty will be imposed.

However, in this simple clause we are merely saying that, if it is unnecessary for supervision to continue, or, to put it another way, if it is possible to assist a probationer, the Minister can do so. Why should he have to run to a stipendiary magistrate to obtain orders?

The Hon. J. R. Cornwall: Because the magistrate is seen to be impartial.

The Hon. C. M. HILL: I know how the honourable member's mind works, but I assure him that the great big wide world outside does not look with suspicion upon every person other than the individual concerned. I cannot imagine a situation where a Minister would be afraid to consider a matter like this. If a probationer could obtain employment in the country, and therefore the period of supervision could be waived, the Minister would, if the probationer had conducted himself properly until then, be able to act in this way. There is no need to get a second opinion just to make it look good. I accept that the Hon. Mr Bruce has moved this amendment in good faith. However, I really think that it adds a cumbersome and time-consuming procedure.

The Committee divided on the amendment:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and J. E. Dunford. Noes—The Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (11 to 13) and title passed.

Bill read a third time and passed.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 10 June. Page 4117.)

The Hon. ANNE LEVY: I support this Bill. In his second reading speech, the Minister indicated that various species were being added to the list of rare species which enjoy protection under the National Parks and Wildlife Act. The species added result from the ratification of an agreement between Australia and Japan in relation to the protection of migratory birds. Other species have been added as a result of a meeting of the Council of Nature Conservation Ministers last year. The list of species to be added to the eighth schedule include 13 new mammals, of which only three are whale species. The remaining 10 are obviously native Australian mammals, including a large number of notomys species. As far as I know, the notomys species consists of small desert animals. The fact that they are now being added to the list of rare species is either the result of a very recent study establishing their existence or the result of their habitat in Central Australia becoming so affected by man that they have virtually become an endangered species and hence need protection.

Does the Minister have any information regarding the notomys species? Is its addition to the list due to its recent discovery or because the change in the environment, which is still occurring, is making it a threatened species? Twenty-two new bird species have also been added to the protected bird list, and most of them are the migratory birds referred to in the second reading speech. However, eight new reptilian species have also been added, and that is unlikely to be the result of any international agreement because they are all Australian species. Is their addition to the list of rare species the result of detrimental changes to their habitats, which are still occurring, resulting in a need for them to be added to this list for their protection?

One must wonder just what protection is afforded to a species when it is added to this list. It is certainly an indication of good intent, but unless there are adequate National Parks and Wildlife staff, I fail to see how being added to the list will do much for the individual species concerned. More staff must be employed or action must be taken rapidly to prevent the destruction of the environment so they will cease being endangered. I do not see how adding their names to a list will protect them at all.

The fact that we now have 62 mammals, 38 birds and 10 reptilian species classed as rare in the eighth schedule is a matter of considerable concern. Schedule 9 lists the threatened species, although I understand from the terminology used that a threatened species is not in as great a danger of extinction as a rare species. The fact that there are 110 species in South Australia which are in danger of extinction should be a matter of great concern to all of us. I sincerely trust that action will be taken, other than simply putting their names on a list, to ensure that these species do not become extinct. I support the second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for her contribution. I do not have information available in regard to particular species, but I will see that it is obtained and sent to her by letter.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 June. Page 4118.)

The Hon. ANNE LEVY: I support the second reading of this Bill, which arises from the Report of the Inquiry into the Boundary of the Hills Face Zone of the Metropolitan Planning Area, by Judge Roder, which he presented to the Government in September 1980. This is a most important report, although I cannot pretend to have studied it in great detail because it runs to 436 pages. Judge Roder has examined all situations of anomaly in the hills face zone which were brought to his attention, and he has made

recommendations for changes in zone boundaries in a number of specific instances.

I understand that, while the total hills face covers about 33 000 hectares, as a result of this report about 167 hectares will be added to the zone and about 19 hectares will be deleted. One can truly regard the report as correcting anomalies and doing little to disturb the general picture of the hills face zone as we know it. The zone is particularly important to all citizens of Adelaide. Those who live on the plains look up at the zone and are aware of its beauty or lack thereof in certain areas, and it is a prized backdrop to the city and is regarded as such by many people who are jealous in seeing that the area is protected.

I would like to raise certain points with the Minister about this Bill, which is to give effect to Judge Roder's recommendations. Clause 4 refers to a recommendation being either a recommendation which is contained in the report or an objection to which a recommendation contained in the report is directed. I understand that this is because some of Judge Roder's recommendations are not spelt out in great detail so as to be immediately transferred into regulations, and that extra survey work will have to be done.

The Hon. J. C. Burdett: In some cases the implementation is not possible as recommended, while the object is there.

The Hon. ANNE LEVY: Certainly, in some cases the recommendation is not precise because further survey work and detailed map drawing will have to be done before the recommendations can be brought up and, in other cases, the recommendation as it stands cannot be implemented, although the object which it is designed to achieve is perfectly clear and hence the object can be incorporated in the regulations.

I also understand that the purpose of this Bill is merely to implement the recommendations of the report and that there is no intention that it will ever be used for any other changes to the hills face zone. I would certainly appreciate an assurance from the Minister in that regard. The recommendations of Judge Roder arose from submissions that were made to him by individual organisations in the community. It may be that in future other anomalies in the hills face zone boundary will be found by individuals or organisations who did not realise their anomalous situation and who did not make representation to Judge Roder at the time of his inquiry.

I understand that the regulations made under this Bill will relate only to the recommendations in the report and that any further changes to the zone which may be contemplated in the future, whether they be to correct an anomaly or not, will not come under the provisions of this Bill, and that the more normal procedures for changing planning use of areas will apply. I would like to quote a couple of the points raised by Judge Roder. In paragraph 12.4 he states:

> The way any particular recommendation is presented depends largely on the nature of material chosen for presentation to the inquiry by the individual making a particular submission. As a result, some of the recommendations would involve, I believe, surveying to be undertaken to more effectively define on plan what is recommended. I trust, however, that generally speaking, the information set forth in the recommendations would enable that to be done without too much difficulty.

In paragraph 14.3 he states:

> Giving effect to recommendations could be achieved by an enabling section with an annexed schedule being introduced into the planning legislation.

I have referred to that paragraph specifically because it has been put to me that the procedure which is being followed does cause concern (although concern may be too strong a word in this context) to some councils which are involved in the zone. While councils may have made submissions themselves to Judge Roder, his report with its recommendations was not made public until after Cabinet had decided to adopt the recommendations. As a result, certain local government councils have not had an opportunity to comment on some of the recommendations and this rezoning may have implications for them in some circumstances. For example, I believe there is one recommendation affecting the Mitcham council where the zone will be completely dissected by the proposed amendments. While the council is not necessarily opposed to this, there is a feeling that the full implications of this are something that it would like an opportunity to comment on.

The thought occurred to me that it might be possible, when drawing up the regulations that will incorporate Judge Roder's recommendations, to confer with the local government bodies concerned in the particular areas so that at that stage they could make any comments they wished. As the normal procedures of public comment will not be available, because the normal procedures under the Act are not being followed in such zoning, there will be no other way that councils could have any input into the framing of the regulations.

I am not implying that they want to oppose or make any change, but consultation with them could be highly desirable. I note in the second reading explanation that the regulations are expected to be completed by the end of July. The ensuing six weeks should allow time for such consultation, and I also feel it important that the regulations should not be made public until they are tabled in the House during the sittings of the House. This will mean that, if some regulation is objected to strongly, a disallowance motion can be undertaken immediately and we will not have to wait several weeks until Parliament sits again.

Parliament has the right to disallow any regulations. Regulations remain in force until they are disallowed and, if clearing or some such alteration occurred on a parcel of land before there was opportunity for a disallowance motion to be considered, it would be too late and one would not be able to undo what might have been done in that time. I feel that the regulations should not be made public until Parliament is sitting. I hope that my remarks in no way indicate that people are unhappy with the regulations made by Judge Roder. Everyone has commended him for the most careful and meticulous examination of what has been drawn to his attention, and I consider that there is no feeling that his recommendations have done other than what they set out to do, namely, correct anomalies in the hills face zone boundaries, having regard to cases of hardship, aesthetic values and other criteria that he had to consider.

The Opposition welcomes this legislation and hopes that the regulations will correct the various anomalies that Judge Roder has determined. We commend him for the work that he has done in this regard, as does everyone to whom I have spoken, and we look forward to seeing these regulations implemented as soon as possible.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for her attention to the Bill. She has referred to new section 45c (1), which provides that 'recommendation' means a recommendation contained in the report or an object to which a recommendation contained in the report is directed. She has correctly interpreted the need for new paragraph (1) (v), namely, that in some regulations the

object was clear. I must say, after reading *Hansard*, that some of her colleagues in another place did not interpret the need and reason for that provision as accurately as she did. An example is on page 361 of the report, where the object was to make it possible in the proper circumstances for an elderly citizens' home of three or four storeys to be built. Otherwise, that would have offended.

The Hon. Anne Levy: Is that the Salvation Army one?

The Hon. J. C. BURDETT: Yes. The recommendation is that it should not come into effect unless and until the Salvation Army makes application to erect buildings in which it will provide accommodation for aged persons. This is an example of why it was necessary to state that.

The honourable member asked for an assurance that the Bill would not be used for any purpose other than to implement the recommendations. On my understanding of the measure, it would not be possible to use it for any other purpose. On page 2 of the Bill, in the provision dealing with regulations, there is power to make regulations in accordance with the recommendations. That is the effect.

Referring again to new section 45c (1), involving the definition of 'recommendation', there were some matters where Judge Roder made no recommendations. There was some suggestion in the other place that the Bill could be used to make regulations in those cases. If there is no recommendation, there cannot be an object of the recommendation. It is my clear understanding that the Bill can be used only for the purpose of implementing the object in cases where His Honour did make a recommendation. Regulations were thought to be the best way to implement the results of Judge Roder's work.

The honourable member also referred to councils and asked that they be consulted. I am certain that the Minister intends to consult the councils affected. There is no reason why they should not be consulted. Finally, the member referred to the regulations being tabled, which they will be and they will be considered by the Subordinate Legislation Committee, with the possibility of disallowance, and she asked that no action in the way of clearing or anything of that kind be insisted upon until the regulations had been tabled and there was a possibility of disallowing them. I cannot give an undertaking in that regard but, certainly, it is the intention of the Minister and the Government to act co-operatively and reasonably towards everyone concerned.

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

LEGAL PRACTITIONERS BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 51, page 27, lines 34 and 35—Leave out 'or a legal practitioner who is in the full-time employment of any such legal practitioner' and insert 'or a legal practitioner who is acting in the course of his employment by such a legal practitioner'.

No. 2. New clause 95, page 48, line 3—insert new clause as follows:

95. Payment of moneys to Society.

(1) The Treasurer shall in each year pay to the Society—

(a) a prescribed proportion of the moneys paid by way of practising certificate fees for the purpose of maintaining and improving the library of the Society;

and

(b) a prescribed proportion of the moneys paid by way of practising certificate fees to be credited by the Society to the guarantee fund.

(2) The Treasurer may, upon the recommendation of the Attorney-General, make payments towards defraying the costs of administering Part VI.

(3) This section is, without further appropriation, sufficient authority for the payment of the moneys to which it relates from the General Revenue of the State.

Consideration in Committee.

Amendment No. 1:

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

That the House of Assembly's amendment No. 1 be agreed to.

The clause to which this amendment relates deals with the right of audience of legal practitioners before the Supreme Court. During the course of the debate in Committee this clause was amended in several respects. The amendment of the House of Assembly was considered in the Council but the record indicates that it was opposed. If that is so, it was opposed inadvertently. It ought to have been included in the Bill in conjunction with other amendments that were in fact passed.

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

Motion carried.

Amendment No. 2:

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

That the House of Assembly's amendment No. 2 be agreed to.

This clause is a money clause which was not considered by the Council when the matter was before us initially. It is an important clause which should be supported.

The Hon. C. J. SUMNER: I support the clause. In so doing, I wish to make some brief remarks about what I consider to be possibly an anomalous situation which has arisen out of this Bill. Members will recall that I moved an amendment which provided that the complaints committee—

The Hon. K. T. GRIFFIN: I rise on a point of order. I believe that that matter is beyond the ambit of the discussion.

The Hon. C. J. SUMNER: I refer to subclause 95 (2) of the new clause. Part VI does have financial implications and ties in with the comments that I am about to make. It is obviously very relevant to this clause.

The PRESIDENT: The Hon. Mr Sumner must keep his comments to the clause.

The Hon. C. J. SUMNER: It does have financial implications. We provided in the clause that the complaints committee should not sit on the premises of the Law Society. I also moved an amendment which provided that the secretary of the committee be a public servant. My first amendment was carried but my second amendment was defeated. We lost the amendment that the complaints committee secretary could not operate from the premises of the Law Society. We would have a curious situation if the secretary could operate from the premises of the Law Society. The people who are complaining would be going to the premises of the Law Society to lodge their complaints. It is the premises of the society of legal practitioners, about whom the person is complaining. The purpose of my amendment was so that the complaints committee could not meet in the society, and attached to the amendment was the provision that the secretary should be a public servant. It would still divorce the notion of the complaints committee having any identification with the Law Society. I am suggesting to the Government that some of the moneys appropriated under clause 95 should be used not only to provide for the meetings of the committee separate from the Law Society but also to

provide for the secretary of the committee not to operate from the premises of the Law Society. That was the scheme of our amendments which has been partly thwarted by the acceptance of one amendment and the non-acceptance of another.

Motion carried.

CONSTITUTIONAL POWERS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1566.)

The Hon. C. J. SUMNER (Leader of the Opposition): Members could be excused for wondering what items 9 and 10 on the Notice Paper are. This Bill and the Privy Council Appeals Abolition Bill were introduced in September last year. The scheme of the Bills, as members will recall, was to provide a means whereby appeals to the Privy Council would be abolished from the South Australian Supreme Court as they have been abolished from the High Court of Australia. The Constitutional Powers (South Australia) Bill was introduced in accordance with the recommendation made by the Standing Committee of Attorneys-General in 1977.

The Hon. K. T. Griffin: They were not firm recommendations.

The Hon. C. J. SUMNER: They were suggestions that have been acted on by three States. I find extraordinary the Government's opposition to this proposal, when its colleagues of the same political colour in Victoria have acted on these recommendations, as have the New South Wales and Tasmanian Parliaments.

The Hon. K. T. Griffin: We take a broader view.

The Hon. C. J. SUMNER: You give an excuse that is unacceptable. I believe that the Government should have come out and said whether it agrees with the maintenance of the domination of the United Kingdom Parliament over the South Australian Parliament. That is the simple issue in this case. This Government, along with its counterparts in Western Australia and Queensland, wants to retain the supremacy of the United Kingdom Parliament over the South Australian Parliament. This Bill was designed to do away with those fetters. It is well known that there are these limitations on the supremacy of the South Australian Parliament.

The Hon. K. T. Griffin: But I've said that at the standing committee level we are trying to reach agreement on a uniform package, and that it is well advanced.

The Hon. C. J. SUMNER: I realise what the Attorney has said. However, the fact is that three other States have introduced similar legislation, and, if the Government had wanted to, it could have passed this Bill. Then, we would have had on record the South Australian Government's commitment to dispensing with these ties.

The Hon. K. T. Griffin: That's a hotch-potch approach.

The Hon. C. J. SUMNER: It is not. It was recommended by the Standing Committee of Attorneys-General in 1977. It seems to me that, if what the Attorney-General says is true, the standing committee is going around in circles. The Attorney-General will probably agree with me when I say that that is not unusual. It seems that it has done a number of about-turns on the issue.

Indeed, if one reads the 1977 report, one can see that the notion of getting a package together to go to the United Kingdom Parliament was thought to have difficulties in it. So, they then looked at the solution, which my Bill proposes, of using section 51(38) of the Australian Constitution, that is, constitutional powers that exist within Australia, to achieve the same object. Now, the Attorney-General tells me that they have abandoned that approach and are going back to the United Kingdom Parliament with some kind of package.

If the Standing Committee of Attorneys-General keeps up this approach, it will continue to go around in circles for the next 20 years. The Attorney-General has had an opportunity to say where the Government stands on the issue, yet the Government has come out in support of its colleagues in Queensland and Western Australia who do not want these colonial fetters removed.

It is obnoxious, as far as I am concerned, that the South Australian Parliament should be restricted by laws of the United Kingdom Parliament in relation to laws that it can pass. We see the absurd situation in the Gilbertson case, when the South Australian Parliament passed a law for electoral boundaries redistribution and the setting up of a permanent Electoral Boundaries Commission. That law was ultimately challenged in the Privy Council on the basis that the South Australian Parliament did not have the power to do it. Thankfully, that challenge was not successful. However, it indicates the absurdity of the present situation, in which the South Australian Parliament can be bound by legislation of the United Kingdom Parliament. In twentieth century South Australia, I really find that to be an untenable position. It may well have been all right for nineteenth century South Australia, and it seems that that is the way in which the present Government wants to leave us.

The effect of this Bill will be to request the Commonwealth Government to legislate to dispense with these fetters and the fetters of the Colonial Laws Validity Act. The Attorney-General raised some objections to it, but I do not believe that any of those objections had any validity, although the Attorney-General says that these discussions are still continuing in the Standing Committee of Attorneys-General. The Attorney has said that there are other constitutional links, and indeed there are. However, surely, if this is one way of dispensing with some of those constitutional problems and asserting the independence and supremacy of the South Australian Parliament from the United Kingdom Parliament, we ought to do it.

Further, if that did happen, it would allow the South Australian Parliament to pass a Bill to abolish appeals to the Privy Council. The Attorney-General in his speech on the Bill hedged around and said that he did not intend to commit himself one way or the other. That is an interesting proposition, because I suppose that on the vote the Attorney will oppose the Bill.

So, it will appear as though the present Government is still favouring appeals to the Privy Council from the South Australian Supreme Court. I ask the Council and the South Australian public to think about that for a moment. In twentieth century Australia, Australians still have an option to appeal to the Privy Council from decisions of the South Australian Supreme Court and of the High Court. The judges of the South Australian Supreme Court have pointed out the absurdity of that situation, because we can get one line of authority flowing down to the South Australian Supreme Court from the Privy Council, and another from the High Court. Two different litigants on different occasions could be treated in different ways. I really find it difficult to see how the Government can favour that sort of situation.

The options in this area are fairly limited. One option is to get a package and go to the United Kingdom Parliament. In 1977, that was canvassed by the Standing Committee of Attorneys-General and, indeed, had been

discussed for some years before that. That proposal was being suggested when the Whitlam Government was considering these matters. At that time, the standing committee came to this conclusion:

> However, while the committee believes, with respect to any views to the contrary, that it still represents an effective course, it recognises that with the passage of time such recourse to Westminster may pose significant political and constitutional difficulties.

So, it came to the conclusion that a request to the Commonwealth Government under section 51 (38) of the Constitution was the preferred course. The standing committee came to the following conclusion about that matter:

> Nevertheless the committee considers that such an exercise is sufficiently likely to be effective as to justify reliance upon it if the standing committee should decide that this alternative course is to be preferred to the alternative of approaching the United Kingdom Parliament.

Of course, the Standing Committee of Attorneys-General decided that this was a preferred course because it used locally available sources of power, and three States agreed on it. The South Australian Labor Government indicated to the Commonwealth Attorney-General its intentions of agreeing to that course.

The Hon. Mr DeGaris said (and this needs to be corrected) that all the States would need to make this request for the Commonwealth Government to be able legally to act on it. One of the great advantages of this proposal is that that is not the case and that the Commonwealth Government, if it so desired, could have acted on the request from the three States.

The Hon. K. T. Griffin: It could have, but it had indicated that it was not anxious to.

The Hon. C. J. SUMNER: I realise that, but, surely if we in this Parliament passed a similar law, only two States would be hanging out, and the Federal Government would find it difficult to resist enacting legislation to give effect to this scheme. I now refer to the Hon. Mr DeGaris. The committee's conclusions in this respect were as follows:

> The committee concluded that even if one or more States preferred not to seek the exercise of this power by the Commonwealth Parliament, it would nevertheless be legally possible for that Parliament if it thought fit to respond to a request from one or more of the States, but that in that event the legislation should refer expressly by name to the State or States concerned. It would have no effect on any State which did not wish to request or concur in the legislation.

I find the Federal Government's attitude quite extraordinary. It has requests from three States which could be acted on to remove these colonial relics, but the Federal Government refuses to take any action. I think that is a very disappointing attitude. This Government does not want to say where it stands on the issue of Privy Council appeals. One can only assume that it still favours appeals to the Privy Council from the State Supreme Court.

I believe the Government is stalling, because it has not put forward any valid reasons for its opposition to this measure. I do not think the Attorney mentioned in his second reading speech the fact that three other States have followed this course; that is a compelling enough reason for South Australia to follow the same course, particularly as it was agreed upon as long ago as 1977. The advantages are: it can be done in Australia with a fair likelihood of success; there is no need to resort to the United Kingdom Parliament; and it can be done one State at a time.

I ask this Council to reconsider its attitude. I do not know what attitude the Hon. Mr Milne is taking, but I understand that his colleague Mr Millhouse, who is sometimes a bit of a radical, is extremely conservative in relation to this issue. For some reason Mr Millhouse wants to retain appeals to the Privy Council, and is on public record to that effect. I suppose a cynic could say that because he is now a silk he might get a brief in London at some time. I do not see how Mr Millhouse overcomes the difficulty of having two lines of authority, one from the High Court and one from the Privy Council.

I am sure that the Hon. Mr Burdett, who is also a lawyer, would agree that it is fairly intolerable for a court to sit under those two lines of authority. I would have thought that the Attorney-General would feel the same way. I am disappointed in the Government's attitude. I hope the Hon. Mr Milne will reconsider his position. Taken as a Party, I do not believe that the Australian Democrats would approve of Mr Millhouse's policy in this area.

The Hon. K. T. Griffin: They are not bound by Party doctrine.

The Hon. C. J. SUMNER: They are not bound by anything; Mr Millhouse is a law unto himself. Although Mr Millhouse is very good at sniffing the political wind and capturing the middle ground, I believe he will find himself out on a limb and outside the main stream of thinking in this country in relation to this matter. I believe that the majority of people are in favour of doing away with these ridiculous colonial relics and are in favour of Australians being able to make decisions about disputes which occur in this country. I ask honourable members, particularly the Hon. Mr Milne, who is probably the only member likely to waver (having regard to the discipline imposed on members opposite), to consider changing their minds. This measure was introduced as a significant constitutional reform in this State and it does not deserve to be defeated.

The Council divided on the second reading:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and J. E. Dunford. Noes—the Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Second reading thus negatived.

PRIVY COUNCIL APPEALS ABOLITION BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1288.)

The Hon. C. J. SUMNER (Leader of the Opposition): This matter was not debated by the Attorney-General at any length. He has certainly not given the Council any indication about his opinion on this matter. In one sense it would have been easier if the first Bill had been passed and the Commonwealth had acted on it to ensure its constitutional validity. Nevertheless, there is an argument that the Bill passed in this Parliament to abolish appeals to the Privy Council could stand up. I understand that in New South Wales a Bill to abolish appeals to the Privy Council, independent of the Bill to remove the colonial fetters—

The Hon. J. C. Burdett: The Privy Council may have to decide whether it is valid or not.

The Hon. K. T. Griffin: New South Wales did not proclaim its Bill.

The Hon. C. J. SUMNER: It may not have, but I understand that the Bill has been passed. South Australia

should pass this Bill and get on record where we stand regarding the abolition of these appeals. The Government should be on record as to its policy on this matter. While there is probably some constitutional query about whether this legislation, if passed, would be held to be valid, as I have said, it has been passed in New South Wales and for that reason it should be passed here so that any challenge mounted to the legislation could be dealt with under a united front involving South Australia and New South Wales. Accordingly, I ask members not to vote against the abolition of appeals to the Privy Council. We in this country, in this State, have come far enough down the road to independence to be able to make our own decisions about disputes that occur in the community, whether they be between individuals, organisations or Government bodies. I ask the Council to pass the Bill.

The Council divided on the second reading:

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

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

Pairs—Ayes—The Hons. B. A. Chatterton and J. E. Dunford. Noes—The Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Second reading thus negatived.

PROROGATION

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

That at its rising the Council adjourn until 7 July at 2.15 p.m.

This really signals the conclusion of the session which commenced in July last year. For all members of the staff it has been a particularly hectic programme, especially in this Council where we have sat on many occasions for long hours into the evening and the early morning. I want to place on record my appreciation of the way in which, generally speaking, honourable members have discharged their duties and co-operated with the Government in processing the legislative programme.

It is probably more important for this Council to recognise the contribution which officers have made, the messengers and clerical officers, *Hansard* and their support staff, the library staff, and the refreshment staff who have been filling many empty voids into the early hours of the morning, and all those many others who have assisted in the running of the Parliament and who have been such an important ingredient in the Council's being able to perform its legislative and other responsibilities.

Persons who enable the Council to run smoothly are most frequently those who are not publicly appreciated, and I want them all to know that, whilst on many occasions that may be the position, I am certain that all members of the Council appreciate their very conscientious devotion to their respective duties and functions. I thank them for what they have done to ensure that the Council has operated relatively smoothly. To honourable members I want again to say that I have appreciated the support which has come from the Government side of the Council and the co-operation which, generally, has been received from members of the Opposition.

Members interjecting:

The Hon. K. T. GRIFFIN: There are occasions when we have necessarily been at loggerheads, which is probably one of the happenings of a Parliament. Generally, we have been able to process a considerable amount of business, and I appreciate the support of members of the Council in enabling that. It will not be long before we are back at it in July. For those who do not have other responsibilities, I hope that the break will be fruitful and rewarding.

The Hon. C. J. SUMNER (Leader of the Opposition): I thank you, Mr. President, for the opportunity to endorse the Attorney's remarks about the staff and other people who make this place function. I appreciate that these things are said at the end of every session but I certainly do not wish to say them in a cliched way. I do not want it to be thought that saying them every session makes them any less felt.

I believe that we owe a lot to the people who keep the place functioning, particularly when they keep it functioning into the small hours of the morning. I am always amazed at how the messengers, in particular, always seem to be here before I am on the morning afterwards. That says a lot for their devotion to the job. However, as a matter of seriousness, I believe that the Government should look at this question of long sittings. I appreciate the difficulties that a Government has.

The Hon. K. T. Griffin: You had the same problems.

The Hon. C. J. SUMNER: We did.

The Hon. K. T. Griffin: I can recall one sitting that went until 5 a.m.

The Hon. C. J. SUMNER: Yes. That is necessary in some situations where a Bill is controversial and conferences have to go on into the night, but for the normal handling of business a better system ought to be devised. It seems to be inherent in the system and is not happening only in the case of this Government, but I think it has been exacerbated under this Government. I suggest that you, Mr President, use your good offices with the Speaker to see what can be done about the matter. I say that in the context of the staff who have to sit up with us.

They do an extremely efficient job and, despite the long hours, they are here in the morning ready to assist further, and somehow they manage to remain cheerful. I agree with the Attorney that the conduct of the business of the Council has worked quite satisfactorily to the Opposition. Whilst we may have had disputes over the substance of Bills or whilst there may have been comment from both sides that may not have been technically within Standing Orders, I think that, in terms of getting the business on, arranging the Notice Paper, and that sort of thing, that has worked satisfactorily.

It has been my custom over the past few years to make a final lament, and that is about the hard times that still seem to be falling on the *Advertiser*. We do not seem to have been able to encourage that newspaper to revive the party that it had on the last afternoon of the session. I think that the party made the last few hours much more enjoyable. We got through the business much more quickly because members were not here working: they were enjoying the *Advertiser's* hospitality. I regret that hard times have fallen and perhaps you, Mr President, may be able to see whether this party can be revived. I wish members and the staff all the best during the break.

The PRESIDENT: I endorse the remarks made by the two Leaders. As one who works perhaps more closely with the staff than members do, I appreciate the amount of work they do, the co-operation they give, and the way in which they give it. There never seem to be complaints, regardless of the hours, the number of questions, and the work load they have. The table staff, *Hansard* staff, and the messengers all contribute to the smooth running of the Parliament. I would not say that the operation of this Council is smooth at times but that is not the fault of the staff. I join in thanking the staff most sincerely.

Motion carried.

OFFENDERS PROBATION ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.57 p.m. the Council adjourned until Tuesday 7 July at 2.15 p.m.