LEGISLATIVE COUNCIL

Tuesday 2 March 1982

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

MILTABURRA AREA SCHOOL

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

Miltaburra Area School (Report No. 2).

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Legal Practitioners Act, 1981—Regulations—
Professional Indemnity Insurance.
General Regulations.

By the Minister of Corporate Affairs (Hon. K. T. Griffin)—

Pursuant to Statute—

Business Names Act, 1963-1981—Regulations—Fees.

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

Pursuant to Statute—

Boating Act, 1974-1980—Regulations—Ardrossan Zoning.
City of Port Augusta—By-law No. 89—Weight Limit on Streets.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Institute of Medical and Veterinary Science—Report, 1979-80.

MINISTERIAL STATEMENT: TRAFFIC INFRINGEMENT NOTICES

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement on the subject of traffic infringement notices.

Leave granted.

The Hon. K. T. GRIFFIN: There has been considerable misplaced concern generated by the implementation of the traffic infringement notice scheme. It is appropriate for me to take this opportunity to reassure Parliament, the public, and some sections of the media, that the scheme is a good one and, despite some minor teething problems which are inevitable in any new scheme, it will be of immense benefit to all South Australians.

As the Hon. Mr Sumner is aware, he and his own Party have always recognised the potential value of an infringement notice scheme for minor traffic offences. The departmental files on this matter clearly indicate that the Opposition supported the concept. In a Cabinet submission on 5 September 1979, the Hon. Mr Sumner had this to say about a possible traffic infringement notice scheme:

Some of the advantages of such a scheme, which are apparent, are as follows. There are possibly others which would become known after a detailed study had been made—

1. Quicker turnover of revenue.
2. Considerable reduction in clerical workload in courts of summary jurisdiction. It is estimated that approximately 42 per cent of summary matters would be diverted. Traffic cases would be reduced by over 60 per cent.
3. Backlog in cases before courts of summary jurisdiction would be reduced, enabling more important matters to be heard sooner.
4. From the offender's point of view, the offence is not recorded as a previous conviction, if the penalty is paid in time.
5. There are no court costs and the penalty would be known at once.
6. If the offender chose to avail himself of the procedure there would result, in a considerable measure, standardisation of penalties.
7. The offender's right to have the matter heard by a court would, in no way, be prejudiced.
8. There would be a reduction in the amount of clerical work performed by police officers, preparation of brief, adjudication process and complaints and summonses; collection of fines would be more effective because of the time limit imposed.

It appears that the introduction of these procedures would increase efficiency and provide benefits to the Government, courts, police and the general public and offenders.

The Hon. C. J. Sumner: What happened to that?

The Hon. K. T. GRIFFIN: Shortly after—

The PRESIDENT: Order!

The Hon. C. J. Sumner: What happened to that?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Shortly after the 1979 election the present Government endorsed these basic conclusions and established an inter-departmental working party to investigate in greater detail the desirability of an expiation scheme and to make recommendations about its implementation. In March 1980 that working party gave its report, strongly urging the introduction of a minor traffic offence expiation scheme for a variety of reasons. The working party concluded that:

One of the major benefits of the proposed system is that it would result in a significant improvement in the effectiveness of police.

It also gave emphasis to improving driver behaviour, taking minor offenders from the courts, making the penalty more immediate to the offence (rather than a penalty being imposed by courts months after the offence), as well as staff and costs savings and benefits to the offender.

Almost as though it were an afterthought, the working party concluded, on the basis of a number of assumptions, that there could in those circumstances be an increase in revenue. But that was incidental to the major thrust of that report. Comments were sought and received on this report from those departments affected by the proposals. In July 1980, a steering group of three was formed, consisting of a senior officer from each of the Police Force, the Attorney-General's Department, and the Department of Transport.

The steering group looked closely at the detail of implementation (including whether or not a computer would aid administration), identified practical and legal problems and recommended the necessary amendments to legislation. Consistent with sound economic management the group also prepared estimates of staff and cost savings as well as predictions of the effect on revenue. The Opposition cannot criticise the Government for having these studies done—in fact, it would have been irresponsible not to have done so.

The steering group minute of November 1980, which has gained considerable media exposure, and which is also being quoted out of context, said that on the basis of interstate experience, $5 100 000 extra could be raised if the number of detected offences were doubled. This was a prediction only of the steering group. The Government has always openly stated that the expiation scheme would free police from tedious clerical duties and therefore they would be able to spend more time doing police work. A natural consequence of that would be an increase in the number of offences detected, and some increase in revenue may follow.

The January figures for the number of offences detected is up by between 30 and 40 per cent. This is well short of the doubling which was one of the predictions of the steering

group, and the experience in New South Wales when the scheme was introduced. The report of the steering group was received by the Government in October 1980 and, in December of the same year, Cabinet approved the drafting of the necessary legislation.

During the second reading explanation in February last year I emphasised the main arguments in favour of the expiation scheme. That is a matter of public record, but I reiterate that the Government saw the major benefit to be a reduction in the enormous burden upon courts of summary jurisdiction and on the police. I stated that it was estimated that traffic cases before the courts would be reduced by over 60 per cent. This means that approximately 40 per cent of all summary matters dealt with by the courts would be diverted through the expiation scheme. I also detailed the benefits for the offender as well. For offenders who previously chose to attend court to plead guilty to a charge, it meant that they would not have to take time off from work for that purpose. The Government certainly did not envisage any crack down on 'trivial' offences. It is appropriate to recap on what some members opposite said about the scheme. The Hon. Frank Blevins had this to say about the legislation on 17 February last year:

> The Bill, if passed, will bring South Australia into line with all the other States and, as far as I can see, this concept of an expiation fee for certain traffic offences works quite well.

The only reservation the honourable member had was that it could lead to a lessening of respect for the traffic laws, although interstate experience shows that the reverse is more likely to apply. He went on to say:

> The doubt we had and the reason why we did not bring this in when in Government was that we believed there could be a lessening of respect for traffic laws if such a system was brought in because, in effect, we are saying that for about 170 offences, the position will be merely the same as for parking offences. Provided the motorist pays the expiation fee, generally speaking that will be the end of the matter. We felt that there were some dangers in that, because the overwhelming majority of these offences are serious traffic offences.

Of course, he overlooked the fact that for the serious traffic offences the offender would still incur demerit points. It is interesting to note that the Hon. Mr Blevins believed in February of last year that the overwhelming majority of these offences were serious ones. Mr Bannon, in another place, also strongly supported the legislation. Almost one year ago, on 3 March 1981, he said:

> Any action taken which means that police time is not tied up in minor road traffic offences—

The Hon. C. J. SUMNER: I rise on a point of order. This amounts to an abuse of the procedure of a Ministerial statement—there is no other explanation for it. The Minister is aware that on tomorrow's Notice Paper there is a motion of no confidence in the Attorney-General which I intend to move and which canvasses the issue of on-the-spot fines.

The PRESIDENT: Your point of order is what?

The Hon. C. J. SUMNER: That there is a motion on the Notice Paper dealing with the Attorney-General's action relating to on-the-spot fines. He has chosen this opportunity to use a Ministerial statement to debate an issue on the Notice Paper. It is quite clearly polemical. It is not an explanation of Government policy: it is a polemical statement arguing a case in favour of the Government's position and, in effect, defending himself. In my view, that is quite irregular. There is a motion on the Notice Paper, and this issue should be debated in relation to that motion and not by way of this Ministerial statement.

The PRESIDENT: The honourable Attorney-General.

The Hon. K. T. GRIFFIN: It is a matter of public interest.

The PRESIDENT: It is a matter, too, of the business of the Council, which granted the Attorney leave to make a statement. It is up to honourable members as to whether leave is withdrawn.

The Hon. C. J. SUMNER: Leave was granted, as it normally is, as a courtesy to Ministers to make Ministerial statements.

The Hon. J. C. Burdett: You have seen the statement.

The Hon. C. J. SUMNER: I have not. This Government has traditionally abused the process of Ministerial statements and it continues to do that. If the Minister's statement was giving information to the Chamber about a change in Government policy or a review of the scheme, then it would be legitimate, but when it is really a debate and is the Minister's speech that he could give tomorrow, then it is clearly quite irregular.

The Hon. K. T. GRIFFIN: The point is that I am responding to the matters which were raised in this Parliament in my absence and putting them in proper context in the public interest. A copy of the Ministerial statement was given to the Leader as I sought leave.

The Hon. C. J. Sumner: As you commenced, not before.

The Hon. K. T. GRIFFIN: My statement details the Government's position as well as the initiatives which arise out of an earlier meeting today, which I am reporting to the Parliament at the earliest opportunity before it goes to the media.

The PRESIDENT: I am studying Standing Orders. It is a most unusual situation.

The Hon. K. T. GRIFFIN: What I am saying is that the Ministerial statement puts in context a matter which has received considerable publicity and public comment over the past week or so. It is quite appropriate for any Minister of the Government to make a statement putting a matter of public interest in that context.

My statement also outlines the steps that have been taken to deal with some of the matters that have been raised publicly as a result of a meeting that I convened this morning. I am announcing those details to Parliament at the first opportunity as part of my Ministerial statement.

The PRESIDENT: I see no reason why the Attorney cannot proceed.

The Hon. C. J. SUMNER: Mr President, you have accepted the Attorney's statement without any query. It is quite clear that that statement is blatantly incorrect.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: The Attorney-General has used the first four pages of the statement as a polemic—

The PRESIDENT: Order!

The Hon. C. J. SUMNER: He has argued—

The PRESIDENT: Order! The position is that I am not able to pass judgment on a statement that has not been made. I have not seen the statement.

The Hon. C. J. Sumner: You've heard it.

The PRESIDENT: I have not heard it all.

The Hon. C. J. Sumner: In future I will withdraw leave unless 10 minutes notice is given. It is an abuse of Standing Orders. It relates to a motion on the Notice Paper for tomorrow.

The Hon. J. R. Cornwall: There will be no more Ministerial statements.

The Hon. K. T. GRIFFIN: You will get no more leave for anything, if you go on like that.

The Hon. C. J. Sumner: There will be no pairs, either.

The PRESIDENT: Order! I see nothing in Standing Orders to preclude the statement from being made. However, if the Attorney moves a motion it will contravene Standing Orders. Leave having been granted for the Attorney to make a Ministerial statement, I see no reason why he cannot continue.

The Hon. C. J. SUMNER: Mr President, I rise on a further point of order. I concede that, if the Ministerial

statement had been confined to an outline of the Government's intention in this issue (if it had made certain decisions on it today), it would have been legitimate. However, the Attorney seeks, in effect, to pre-empt a serious motion of which I gave notice last Thursday and which is to be moved tomorrow. It is a motion of no confidence in this Minister. The Attorney has now taken this opportunity to abuse the procedures of the Council by seeking leave to make a Ministerial statement and entering into an argument on this issue.

I believe that a general principle is involved. For instance, if a Bill is before the Council, you, Mr President, may rule out of order questions or discussions on that Bill in another context. I believe that this situation is analogous. The Opposition has given notice of motion tomorrow of no confidence in the Attorney-General. The Attorney has now sought leave to make a Ministerial statement. The Council, with its usual courtesy, granted that leave. The Attorney has abused that leave by fairly and squarely debating the issue that is central to the Opposition's motion tomorrow. As far as the Opposition is concerned, that is quite unacceptable. I believe that you should take action Mr President.

The PRESIDENT: I think the action is up to the Leader. It is for the Leader to withdraw the leave that has been given.

The Hon. Frank Blevins: Under what Standing Order can leave be withdrawn?

The PRESIDENT: Under the Standing Order under which leave was granted. The Attorney-General should confine his Ministerial statement to facts which in no way are provocative and which are explanatory.

The Hon. N. K. FOSTER: Mr President, may I seek your advice?

The PRESIDENT: Order! Is this a point of order?

The Hon. N. K. FOSTER: Yes, Mr President, it can be taken as such. My point of order is that the Attorney-General ought to be advised by you, Mr President, that he should not, prior to his being given leave to make a statement, touch upon those matters which will be the subject of a notice of motion in this Council.

The PRESIDENT: The Attorney-General gave notice of what his Ministerial statement was about and obtained leave.

The Hon. C. J. SUMNER: I rise on a point of order. To whom was notice given of what the Ministerial statement was about? The only notice I received was that it was about traffic infringement notices. At the time the Attorney commenced his statement I was given a copy; I certainly was not given a copy before that. If Ministers are going to abuse the courtesy of the Chamber in this way, then obviously there will have to be a change in the rules.

The PRESIDENT: Order! No notice was given to me of the Ministerial statement either, but the subject matter was obvious to me, because the Attorney announced that when he asked for leave, and leave was then granted.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: This Ministerial statement seeks to put into its proper context the debate about traffic infringement notices and then it extends to outline the decisions taken today. The decisions taken today can only be properly understood in the context of the history of the implementation of the traffic infringement notice scheme. I guess that honourable members opposite are sensitive about their support of the implementation of the scheme both here and in another place over a period. When the point of order was taken I was referring to a quote from 3 March 1981 by the Leader of the Opposition in another place. I will forgo that in deference to the Leader of the Opposition in this place. That quote is on public record and appears in *Hansard* on that date. I will now continue with the Ministerial statement.

The Government, prior to the scheme's implementation on 1 January 1982, exercised care to build in extra safeguards to ensure that members of the public are not subjected to unfair treatment. These safeguards can be summarised as follows.

First, all members of the Police Force have been specifically instructed, in an order circulated by the Commissioner of Police in November 1981, that they should use judgment in deciding whether to caution offenders or issue traffic infringement notices, taking into account such factors as time of day, location, traffic density, degree of inconvenience or danger incurred, and likelihood that a caution will satisfactorily remedy the situation. This order preceded an intensive police training programme in December for those personnel who were to be primarily concerned with the policing of the new system. The training programme covered the country and metropolitan areas and amongst other things reiterated the Police Commissioner's order with respect to cautioning.

Secondly, upon issuing a traffic infringement notice, a police officer is required to hand a duplicate copy of the notice, containing notes of the alleged infringement, to his supervisor, who, in turn, checks the notice to ensure compliance with legal requirements and police instructions. Should the supervisor find that the notice has been improperly given, he is instructed to advise prosecution services to enable the withdrawal of the notice in accordance with section 64 (8) of the Police Offences Act.

Thirdly, all traffic infringement notices are forwarded to the Prosecution Services Branch for processing. Upon receipt at that branch, they are further checked so that corrective action can be taken on any improperly issued notice, not previously identified by supervisors.

The Hon. J. R. Cornwall: What percentage have been withdrawn?

The Hon. K. T. GRIFFIN: From information I have, in January, 138 were withdrawn. So it can be seen that the Government, in conjunction with the Police Force, has ensured that there are a number of important safeguards within the system to ensure that infringement notices are not issued improperly or on trivial cases and, if they are, there is an excellent prospect of their being detected at an early stage. Indeed, many of the cases which have been recently focused on by the media were detected by the system, and consequently withdrawn, regardless of any publicity.

It has already been widely reported that during January, 138 traffic infringement notices were withdrawn under the provisions of section 64 (8) of the Police Offences Act and, where applicable, expiation fees refunded. I should emphasise, however, that the ultimate safeguard—that of having the matter heard in court—is still provided and is available to any individual simply by electing not to pay the expiation fee shown on the notice.

I repeat that the Government has no intention of clamping down on those who commmit mere trivial offences. As it can be seen by the police training programme and Police Commissioner's orders, there is no intention of abolishing the friendly police caution merely to increase revenue. It was always anticipated and stated that there would be a freeing of police officers from clerical work, which would lead to the potential for an increase in the detection of minor offences. This has never been denied.

It is now appropriate, as the scheme has been in operation for two months, that a review be undertaken of its operation so that it can be fine-tuned to remedy any problems which have arisen. I believe that these problems are, in the main, small ones, despite some sensationalism to the contrary. The

Government remains firmly committed to the expiation scheme because of its immense benefits to the South Australian community.

This morning I met with the Chief Secretary, the Minister of Transport, the Acting Police Commissioner and senior officers, to identify ways in which this process of fine-tuning can occur. At this meeting the Acting Commissioner, Mr Giles, informed me that the original operational instructions which were given to police officers in respect of their attitude when issuing notices would be reissued, stressing the need for cautions to be given.

Mr Giles has also agreed to prepare and circulate guidelines to all police officers with respect to the exercise of their discretion. These will ensure that:

> Pedestrian, cyclist, and stationary vehicle offences will draw a caution only from the police, except in circumstances of danger.
>
> Defect notices will continue to be used in preference to traffic infringement notices in all cases except those of culpable neglect.

It was also agreed that the steering group comprising representatives from the Transport, Courts and Police Departments be reconvened to review and report on:

> The implications and difficulties associated with the issuing of traffic infringement notices for more than one offence. Removal of anomalies which exist with parking offences that are covered under both the Road Traffic Act and Local Government Act.
>
> The need to review some offences which are included under the scheme and which appear to be of a trivial nature.

At the meeting the Minister of Transport told me he will call for an urgent report from the Registrar of Motor Vehicles on the effects of traffic infringement notices on the points demerit, learners permit and probationary drivers licence schemes.

As I have already mentioned, the Government remains fully committed to the expiation scheme because of its immense benefits to the South Australian community. The actions taken at this morning's meeting will ensure that any minor teething problems associated with the scheme will be overcome.

SUSPENSION OF STANDING ORDERS

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move the following motion without notice:

> That in the opinion of this Council the Attorney-General, the Hon. K. T. Griffin, has misled this Council and the public of South Australia in relation to the on-the-spot fine system and is of the view that he should be removed from his Ministerial duties and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

QUESTIONS

POLICE INQUIRY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the police inquiry.

Leave granted.

The Hon. C. J. SUMNER: Some five months ago (on 9 October 1981) the Attorney-General announced on behalf of the defunct Chief Secretary (Mr Rodda) that there would be a police inquiry into certain allegations regarding police corruption. The public expectation was that there would be an early result from that inquiry. The delay which has occurred has only increased the disquiet about that inquiry and has raised the question of whether a Royal Commission or broader public inquiry may be necessary. The inquiry has been hampered by the fact that one of the appointees, one of the nominees from the Attorney-General's Department, Mr Cramond, apparently went overseas in the middle of the inquiry.

We are not sure whether he is still a member of it or what the position is there. It has been further complicated by the fact that the former Police Commissioner (Mr Draper) resigned and has been replaced by Mr Giles, who was a member of the inquiry team and who is now also Acting Commissioner. These changes raise the question of whether Mr Giles has the time to do that job properly and whether or not the inquiry team that was constituted in October still has the same membership as previously. The latest excuse that this Council had from the Government about the delay in this inquiry was that there were some court cases pending.

My questions to the Attorney are: first, what is the current position with this inquiry and, in particular, what is the position relating to the now Acting Police Commissioner (Mr Giles) and the Crown Law officer who went overseas? Secondly, what is the present position with the court cases that the Attorney said were the excuse for the inquiry not having been completed?

The Hon. K. T. GRIFFIN: At the time the Deputy Crown Solicitor went overseas, I indicated to the Parliament that that would not in any way prejudice the inquiries being undertaken. In fact, it did not in any way prejudice those inquiries. While Mr Cramond was overseas at the Privy Council acting on behalf of the State of South Australia, a senior Crown Solicitor's officer was fully briefed and took his place. Since Mr Cramond has returned from overseas (and he was away for just over two weeks), he has resumed the task as a member of the team.

The Leader of the Opposition suggests that the resignation of the former Police Commissioner (Mr Draper) has complicated the matter. That is not so. The Acting Commissioner (Mr Giles) is also a member of the investigating team. He is still part of that team, very actively involved in it, and he will see it through to finality. The current position of the court cases to which I referred in the Ministerial statement several weeks ago is that several of them are still pending and, for that reason, I am not prepared to speculate on any aspect of the inquiry.

ALCOHOL LEVELS

The Hon. R. J. RITSON: Has the Minister of Community Welfare a reply to the question I asked of the Minister of Health, through him, concerning the matter of the collection of blood specimens for alcohol analysis?

The Hon. J. C. BURDETT: My colleague has provided the following reply:

The honourable member would agree that the problem of driving under the influence of alcohol has a significant impact on our community. A large proportion of that impact is felt in the health area. Since the Road Traffic Act is administered by the Department of Transport and the particular section of the Act (section 47f) refers to police officers as well as medical practitioners, it has been necessary for both the Minister of Health and the Minister of Transport to examine the situation.

The Road Traffic Act as amended by legislation passed in 1979 places responsibilities on both police officers and medical practitioners in connection with the taking of blood samples and the subsequent handling of those samples from a person required to undergo a breath analysis and requesting a blood test. The South Australian Health Commission has been asked to advise all relevant medical practitioners in the State of the requirements of the amended legislation. I wish to thank the honourable member for bringing this matter to the notice of this Council.

CRIMINAL UNDERWORLD

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the subject of Adelaide's criminal underworld.

Leave granted.

The Hon. C. J. SUMNER: In a recent edition of *Festival Focus,* which is a publication of the Festival of Light in South Australia, there are certain disturbing allegations in an article by Dr David Phillips, its Chairman. They revolve around Adelaide's criminal underworld, and I think the best thing I can do is quote sections from the article that will indicate to the Council the seriousness of the allegations.

The report stated that Adelaide's criminal underworld was making its presence felt at the time that apparently Mr Scales, the *Advertiser* Day Editor, was shot. I understand that Dr Phillips had previously made an allegation that the shooting of Mr Scales might have been related to the drug underworld. That is withdrawn in this article but Dr Phillips says that, according to a friend of his who is a senior officer in the South Australian Police Force, Adelaide's criminal underworld was making its presence felt. He then refers to the tragic death of Police Officer Whitford at Myponga Beach, and the article continues:

Early in 1980, Geof Whitford was asked to lead a new Crime Intelligence Unit, supported by four other police officers. His first task was to gather evidence with the eventual aim of prosecuting the key figure controlling the supply of heroin to South Australia. Rather than use his real name, I will call him Mr Big.

It is clearly implied in that that Dr Phillips knows the name of this person. The report goes on:

After 18 months of gathering evidence—including rummaging through Mr Big's garbage bins at 3 a.m. before they were emptied—the police set up a big heroin deal. They insisted that Mr Big hand over the drugs in person. He was caught 'red-handed' and the police got the final undeniable (they thought) evidence needed to prosecute.

Mr Big retaliated by organising his drug-dealing henchmen to make allegations against the drug squad and members of Whitford's unit. One of Mr Big's purposes was to discredit the South Australian Police Force in the eyes of the public, so that when his case did come to trial, he had a better chance of persuading the jury to reject police evidence against him.

You may have read press reports that several people facing drug charges, offered to supply 'information' provided they were granted 'protection from prosecution'.

The President of the South Australian Police Association, Inspector Barry Moyse, was reported as saying: 'It is becoming the practice of some criminal lawyers to advise their clients to make allegations against arresting police officers before the trial as the first stage in an attempt to discredit police evidence.'

If Mr Big succeeded, either in discrediting police evidence or in gaining protection from prosecution or both, the 18 months work by Whitford and his unit would have been in vain.

The article goes on to explain that Mr Whitford had been under some pressure from his job, that the pressure eventually caused his death, and that he took his own life in despair. However, in the initial part of the article, as I am sure the Attorney will realise, there are some serious allegations, apparently, about Adelaide's underworld, including an allegation that there is a Mr Big. Dr Phillips apparently knows his name and makes a specific allegation that he says came from a senior member of the Police Force.

Is the Attorney-General aware of the allegations made by Dr Phillips? Will he tell the Council whether there is any substance in the allegations regarding a Mr Big in Adelaide, and will he otherwise provide the Council with information generally on the allegations contained in the article from which I have read?

The Hon. K. T. GRIFFIN: I must confess that I have not seen that article.

The Hon. J. R. Cornwall: Turn it up! You have to be on the mailing list.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I repeat that I have not seen the article to which the Leader has referred. My reaction to it is that Dr Phillips, if he has information, ought to make it available to me, the Chief Secretary, the Police Commissioner, or some other officer to have the matter carefully examined. He made some reference to Mr Scales. I believe that that matter is still being considered in the courts, so I do not want to make any comment on it, except to say that I would be surprised if the position were as suggested—

The Hon. C. J. Sumner: He's denied that.

The Hon. K. T. GRIFFIN: The Leader said he has impliedly withdrawn it. I was trying to go further and indicate that, as far as I am aware, that is not related in any way. I made a statement in October last year about Mr Whitford's death and indicated again that that was not in any way related to any particular incident within the criminal arena. So far as Mr Big is concerned, I will have to refer that matter to the Chief Secretary, who will obtain a reply from the Police Commissioner, and I will bring back the reply.

MEAT HYGIENE AUTHORITY

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, on the matter of the Meat Hygiene Authority.

Leave granted.

The Hon. B. A. CHATTERTON: In 1980, Parliament passed legislation that established the South Australian Meat Hygiene Authority. At that time there was considerable discussion about the role that local government would have to play in the licensing and control of local slaughterhouses. The Government had changed earlier legislation to give local government a smaller role.

At that time, assurances were given and there was not much debate in local government circles about the matter. Since then, it is my understanding that local government has become quite concerned and, in fact, has written to Mr Davidson, Chairman of the South Australian Meat Hygiene Authority, about the matter. Copies of that letter have been sent to members of Parliament. I would like to quote from that letter, because it is relevant to the matters I am raising. It states:

Dear Mr Davidson,

I have received letters and inquiries from many members of this association regarding the relationship and role of local government with the South Australian Meat Hygiene Authority. These matters of concern have been discussed with you, but have not as yet been suitably dealt with or resolved by the South Australian Meat Hygiene Authority. Primarily, councils are concerned to maintain their role in meat hygiene in slaughterhouses. There is, however, no clear legislative definition of the role of local government under the new Act.

That is the Act that was passed in 1980. The letter continues:

Apart from section 18 (3) of the Meat Hygiene Act, no mention of local government is made in the Act, and this provision is not being implemented. In fact, inspectors are being appointed under section 18 (1), which contains no reference to the local government authority which employs the inspector so appointed. Local government health surveyors are, therefore, being appointed as 'individuals' in their own rights, not as officers of councils. It would appear to us that this means that there is no legislative authority or responsibility for a local government body to act in implementing the legislation.

This is entirely contrary to the statements which have been made in letters from the authority regarding the way the legislation affects or will be implemented by local government in relation to slaughterhouses. Your answers to the following questions would be appreciated:

1. *(a)* Where is the delegation of authority to local government provided for in the Act or regulations?

(b) What legal backing or authority would a council have available to it via the legislation if it was to act in relation to slaughterhouses?

(c) What are the powers or duties of local government authorities as defined under the South Australian Meat Hygiene Act or its regulations as distinct from any responsibilities or powers which may be conferred on officers employed by local government authorities?

2. Councils have been urged to take this opportunity to examine applications for slaughterhouse licences—the legislation requires that the applicant forward all details required to the Meat Hygiene Authority.

(a) What opportunity or powers do councils have to require, or to examine, or to deal with such applications, as distinct from any such powers conferred on local government inspectors by their appointment as officers of the South Australian Meat Hygiene Authority or any powers to examine plans conferred on local government under other Acts?

(b) Section 21 requires that the applicant (not the council) must furnish the Meat Hygiene Authority with the necessary information to determine the application (See also part 2 of regulations).

What legal and administrative implications may ensue if councils surrender plans submitted to them for consideration under other Acts?

The letter then goes on to outline a number of other questions that the councils in the Local Government Association would like answered. I will leave those and read the last paragraph of the letter, which states:

It would be appreciated if you could refer these matters to the South Australian Meat Hygiene Authority and inform me of the outcome as soon as possible. I would be willing to recommend to the association executive that a joint working party be established to resolve these concerns, should you wish to do so.

Yours sincerely, J. M. Hullick, Secretary-General

Can the Minister provide answers to the questions that were raised by the Local Government Association in its letter, and also say what assurances were in fact given to the Local Government Association when the Meat Hygiene Act was before Parliament in early 1980?

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

ABORIGINAL HEALTH ORGANISATION

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before directing a question to the Minister of Community Welfare, representing the Minister of Health, about the South Australian Aboriginal Health Organisation.

Leave granted.

The Hon. J. R. CORNWALL: During 1981, the South Australian Health Commission reorganised its administration into three sectors with a manager for each sector. This was supposed to streamline administration and improve efficiency, as well as communication. In practice, the sector managers appear to have simply become an upper layer of bureaucratic flak catchers.

In September 1981, the Minister of Health reconstituted the Aboriginal Health Unit, formerly located in the Department of Public Health and later within the Health Commission, as the South Australian Aboriginal Health Organisation. This is an autonomous body incorporated under the Health Commission Act. At the time of the incorporation and formation of the organisation, the Minister made a big deal of the fact that the Aboriginal Health Organisation was to be an independent body with self-management. In fact, the board of the A.H.O. has met on only two occasions since September.

Despite the goodwill offered by members of the board of the A.H.O., it is clearly being regarded by the Minister as political window dressing. Let me give an example. Recently, the Western Sector Manager of the Health Commission gave a grant of $10 000 to the Pitjantjatjara Council via its solicitor, Mr Phillip Toyne, specifically to conduct a health survey at Amata. I am told that the survey will be conducted by Dr Phillip Cutler and Mr John Tregenza, neither of whom has anything to do with the South Australian Health Commission or the South Australian Aboriginal Health Organisation.

I have received numerous vocal and well-founded protests about this. The A.H.O. is in charge of Aboriginal health in the North-West of the State generally and at Amata in particular, yet the grant was apparently made by the Health Commission, through the Western Sector Manager, without any consultation whatsoever with the A.H.O. At no time has the board of the A.H.O. been informed of the grant.

If the Minister is aware that this money has been granted, she is being extremely cynical. First, assuming she is aware of it (and that is not certain), she is using it as a device to off-load a State responsibility on to the Commonwealth Department of Aboriginal Affairs. Secondly, she is allowing it to happen without any consultation whatsoever with the A.H.O., which she claimed (and which she still claims, presumably) was set up as an autonomous body to administer and take an overview of Aboriginal health care in this State. A further complication is that employees of the A.H.O. in the North-West of the State do not know officially of the survey and so will not be able to co-operate with the people conducting it under their terms of employment, so we can presume that the survey is not only ill conceived but will come to nought.

Was the Minister aware that a grant of $10 000 was to be made to Dr Cutler and Mr Tregenza to conduct this survey? Is she aware that this action treated the A.H.O. with contempt and made a farce of her claim that it was an autonomous body to administer Aboriginal health care in South Australia?

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

WHYALLA CLUBS

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Minister of Consumer Affairs a question about licensed premises.

Leave granted.

The Hon. G. L. BRUCE: Last Thursday, I asked the Minister a question about licensed clubs at Whyalla. In his reply, the Minister said that the Licensing Court does not have power to administer the Act. I draw the Minister's attention to a recent judgment by Judge Grubb in relation to this matter. He said:

The proper relativity, as required by the Act, between the licensed clubs and those licensed premises which exist to satisfy the needs of the public in the city of Whyalla, must be restored

and enforced. When I say it is a matter of justice I point to the facts that—

1. Licensed public premises are licensed to satisfy the needs of the public.
2. Licensed clubs are granted a licence only so that the club may lawfully sell and supply liquor, for consumption on the club premises, to club members and the visitors of those members, properly introduced into the club. It is not contemplated by the Act that a club licence should be used as a means of making money. Clubs are not commercial enterprises. They may not compete for public patronage.
3. With a few exceptions, limited to those clubs which are allowed to buy from wholesale sources, a club pays a fixed licensing fee, somewhere between $100 and $500.

Later, he said:

It seems to me that, in the face of those facts, the duty of this court is plain. I trust the Superintendent or the Assistant Superintendent will take the appropriate steps to ensure, even if no-one else intervenes, that the licences of the clubs in Whyalla named in these reasons (other than Whyalla Workers' Club) are not renewed 'as a matter of course'.

I am greatly concerned that these clubs or any club or hotel can operate outside the Licensing Act. I believe that there should be some redress if there are to be such blatant abuses of this Act. Last Thursday I asked the Minister whether he could use his good offices to see that the conditions of the Licensing Act relating to clubs in Whyalla were complied with. In light of the Minister's reply last Thursday that the Licensing Court is not responsible to see that the Licensing Act is observed, can he say who is responsible? If it is the police, will the Minister use his good offices to see that the Licensing Act is enforced to the best of the ability of the police so that the Act as it relates to clubs is adhered to?

The Hon. J. C. BURDETT: Last Thursday I was referring to the fact that the inspectors employed by the Licensing Branch of the Department of Public and Consumer Affairs have traditionally (not only recently) been mainly concerned with inspecting premises. They do not have the opportunity to act as the policemen. They are not rostered or paid in the same way, and they are not able to go around and see whether or not breaches in relation to visitors or other breaches of the Licensing Act are carried out.

Obviously, it is necessary for the police to carry out that sort of work. A special squad within the Police Force was recently set up to do just that. I certainly believe that all of the licensing laws ought to be enforced where offences can be detected. Where officers of my department or the police can detect offences those laws will be enforced, and that applies to all of the law, whether in relation to the Licensing Act or anything else. It is only when offences are detected that a prosecution can take place or other action can be taken. My officers will certainly do what they can to see that the provisions of the Licensing Act in relation to the points raised by the honourable member are enforced. I am sure the police will also do that.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. I believe the Minister's answer is very unsatisfactory. I think that officers from the Licensing Court who find blatant breaches of the award, no matter where, should have the right to refer such breaches to the police or whoever enforces the law. I do not support this duck-shoving attitude. As the Minister is aware of the complaint and the situation revealed by Judge Grubb, what action does he intend to take?

The Hon. J. C. BURDETT: I could not quite follow the honourable member. He referred to a blatant breach of the award. I am not sure what he meant by that, but I think he meant a blatant breach of the law. If an officer of my department does find a blatant breach of the law, he will take steps accordingly. Officers of my department do not have the time and were not originally appointed to go around detecting breaches of the law. Of course, if they do find blatant breaches of the law they will take appropriate action, as will the police. Since the matter has been raised publicly, it has therefore been brought to the attention of officers of my department and the police. Doubtless they will take appropriate action.

ON-THE-SPOT FINES

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Attorney-General a question about on-the-spot fines.

Leave granted.

The Hon. J. E. DUNFORD: I have received an inquiry from a constituent, a Mr Ian Brooks, who has asked me to draw this matter to the Attorney-General's attention. It appears that on 21 February 1982 he was driving along Bird Island Road near Wallaroo. A car following him was blinking its lights. He thought it was the police, so he pulled up. The other car then did a U turn and drove off. Previously, Mr Brooks had stopped his car because his registration plate was dragging along the ground. It was dark, about 9.30 at night, so he used his spotlight while he repaired the number plate. Mr Brooks then proceeded to Harris's farm at Kadina. He had no idea that he had broken any law.

Mr Brooks's father telephoned me before I actually heard from Mr Ian Brooks, and said that at about midnight on that night the police arrived at his home at 2 Tills Head Road, Elizabeth North, looking for his son Ian, who was the registered owner of the car. Mr Brooks's father asked the police why they wanted his son and they told him that it was for spotlighting. He told the police that his son could not have been spotlighting because his guns were still at home. The police were interested to know that he had guns. In fact, he had rifles and hand guns, but the father was able to tell the police that his son was licensed to have them. He also told the police that if his son had been spotlighting he would certainly have taken his guns.

At about 12.30 that same night there was a knock on the door at Harris's farm. It was the police who had arrived to give Mr Brooks an on-the-spot fine. When he asked what it was for, the police told him that they had received an allegation that he was spotlighting on a farm. The police then wrote out the on-the-spot fine notice. Mr Brooks explained the position just as I have explained it to this Council. He is very irate about this matter. Reference was made to the occasions on which the police must have reasonable grounds that a person has committed an offence. Once again he repeated exactly what his father had said. The concern of this constituent and myself as a member of Parliament is that, as a result of these on-the-spot fines, someone out of the blue can make an allegation without foundation, quite untruthfully, and the police can come along and impose an on-the-spot fine.

It is all very well to say that a person does not have to pay it: if he does not pay it he must present himself to the court. I would not have supported this legislation if I had thought people, anonymous or otherwise, could ring up and make allegations against other people on which the police could then act and impose on-the-spot fines without any proof as to the misdemeanour of that particular person. In this case the police had not seen the person concerned; and the matter was pure hearsay. Mr Brooks is now stuck with a $20 fine.

The number of the officer who gave the notice to Mr Brooks is 1462/1, Division 65. Will the Attorney-General investigate this matter and see that the police withdraw this summons, if there is any truth in the representations I have just made to the Parliament? I am satisfied with what

my constituent and his father have told me, and I would like the Attorney to investigate it with a view to having the on-the-spot fine withdrawn.

The Hon. K. T. GRIFFIN: I will certainly have inquiries made as to the specific matter the honourable member has raised, and I will arrange for a report to be brought back to the Council. I am not able to make any comment now on the material that the honourable member brought forward. I cannot say whether or not it was hearsay or whether other circumstances should have been taken into account. We find difficulties in that some people allege that an offence is trivial and fix on one or two aspects which clearly indicate that the offence was trivial. When further inquiries are made, there are other circumstances which affect the offence itself. With all of these matters, it is important to look at all the facts relating to a particular offence.

URANIUM SAFEGUARDS

The Hon. BARBARA WIESE: My questions are directed to the Attorney-General, representing the Minister of Mines and Energy, and concern uranium safeguards. First, is the Minister aware that Australian uranium will be sent to the Soviet Union for enrichment later this year as reported in the *National Times* of 7 February? Secondly, is the Minister aware that the Soviet Union's industry is not subject to inspection by the International Atomic Energy Agency? Thirdly, in view of this, does the Minister agree that the Federal Government's decision to allow uranium to go to the Soviet Union contravenes one of the strict conditions of export stressed by the Prime Minister in 1977, namely, that Australian uranium was to remain under the I.A.E.A. inspection system at all stages after it left Australia? Fourthly, in view of this situation and since this Government intends exporting uranium from this State, will the Minister indicate whether he is still satisfied that the necessary international safeguards are being complied with? Fifthly, would this Government allow uranium from this State to be sent to the U.S.S.R. for enrichment should the opportunity arise?

The Hon. K. T. GRIFFIN: I will refer those questions to the Minister of Mines and Energy and bring back a reply.

ADELAIDE CITY MISSION

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister of Community Welfare questions about the Adelaide City Mission. The questions I will ask today are related to the ones I raised with him last week.

Leave granted.

The Hon. N. K. FOSTER: Last week I asked 14 questions regarding Hope Haven. I have not received a reply and it has been indicated to me in cross-chat with the Minister that he does not intend to reply to the questions I asked.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Whether the Minister said that with a claret-clouded mind I do not know; but he said it. If he wants to deny it, it is a matter for him.

The Hon. C. M. Hill: You weren't listening.

The Hon. N. K. FOSTER: The Minister should get on the ball; he does not know what he is talking about.

The PRESIDENT: Order! Will the Hon. Mr Foster continue with his questions and not be distracted by interjections?

The Hon. N. K. FOSTER: I am waiting with bated breath for the reply from the Minister to the 14 questions I asked. Further, I ask that the Minister urgently investigate the transfer and sale on the original building situated in Light Square and owned by the Adelaide City Mission. Will the Minister also find out from whom the present owners purchased the property and the relevant matters regarding transfer from the Lands Titles Office? Should suspicion fall on Reverend Burns and his family, who run that organisation, could the Minister then have extradition orders made to fetch Reverend Burns and his family back from America so that they can assist with inquiries regarding not only that property but also other properties, including a property which was purchased in Mansfield Park in the mid-1970s and which was held for a period of only 12 months and subsequently sold? In relation to a property at Myrtle Bank supposedly owned by the Burns family, will the Minister supply any documentation as to where the finances came from to buy that property and whether any properties were mortgaged in order to buy it?

The Hon. J. C. BURDETT: It is not surprising that I have not been able to bring back replies to all the questions asked by the honourable member last week. Inquiries are being made. The inquiries so far indicate generally that Hope Haven has been properly conducted as far as my department is concerned. That is the only matter we can inquire into. A reply will be given to the honourable member when we have had time to put it together; we have not had much time as yet. Regarding the present questions about investigating the owners of the original building, the transfers, etc., I do not give an undertaking to do that, because it does not seem to me to be in any way related to women's shelters or to my portfolio.

Some questions were asked by the honourable member last week relating to the conduct of the shelter and the like; those questions, at least in general terms, will certainly be answered. If there is any question relating to funding from the Department for Community Welfare in relation to the original building, that will be answered, but it does not seem to be incumbent upon me as Minister of Community Welfare to go into the question of transfers of ownership and to obtain searches from the Lands Titles Office and the like, and I have no intention of doing so.

SOUTH AUSTRALIAN COURTS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: As at 30 January 1982, what were the length of trial lists in all South Australian courts, including country courts and the Industrial Court?

The Hon. K. T. GRIFFIN: The reply is as follows:

Supreme Court:

Civil: Listing method has changed and first call-over under the new system was held on 22 February. Delays cannot be accurately assessed until some time after that date.

Prior to implementation of the new system, delay was seven months.

Criminal: Listings for March include committals from June 1981 to January 1982.

District Court:

Civil: 40 weeks.

Criminal: 5.7 months.

Local Courts:

		Civil	Summary
Adelaide	Limited	16 weeks	
	Small Claims	12 weeks	
Suburban and Country		5-13 weeks	5-12 weeks

Courts of Summary Jurisdiction:

Adelaide Children's Court: 12 weeks.

Adelaide Magistrates Court: 9½-10 weeks.

Suburban Courts: 6-8 weeks.

Industrial Court and Commission:

General Jurisdiction: 3-6 weeks.

Industrial Court:

Workers Compensation Jurisdiction: 2 weeks-6 months (General Workers Compensation Claims)*

*The length of the workers compensation trial lists should shorten by approximately one month back to five months as a result of two 'purge' weeks planned for April and July this year during which all seven judges will hear workers compensation matters during those weeks.

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, intimated his assent to the following Bills:

Explosives Act Amendment,
Highways Act Amendment,
Imprint Act (Repeal),
Legal Practitioners Act Amendment,
Seeds Act Amendment.

COLLECTIONS FOR CHARITABLE PURPOSES ACT AMENDMENT BILL

Read a third time and passed.

AUDIT ACT AMENDMENT BILL

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (1982)

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1981. Read a first time.

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

That this Bill be now read a second time.

In most other countries the primary condition of the franchise is citizenship, but in Australia this is broadened to include non-citizen British subjects. This anomaly has caused a great deal of justified resentment amongst non-British migrant groups and was adverted to as a matter requiring urgent reform in the Galbally Report.

The Commonwealth has now moved to correct the anomaly in so far as it arises under Commonwealth electoral laws (see Statute Law (Miscellaneous Amendments) Act, 1981). It is obviously desirable that corresponding reforms of the State electoral laws should be introduced and should be brought into operation as soon as possible. I am sure that the proposed reform will be enthusiastically received by the ethnic communities. The Bill will contain a saving provision to protect the position of British subjects who are non-citizens but who are presently enrolled either as Commonwealth or State electors. The Bill also provides for a fresh election to be held where an election for the Legislative Council is avoided or fails and repeals a number of obsolete provisions. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals and re-enacts section 11 of the principal Act. The effect of the re-enactment is to remove material that is now obsolete. Clause 4 provides that where an election to supply vacancies in the membership of the Legislative Council is avoided or fails a fresh election shall take place as soon as practicable after the date of the former election. Clause 5 deals with the qualification for membership of the Legislative Council. The reference to a qualifying age and to the fact that a member must be a British subject is removed and a new paragraph is inserted providing that qualification for election to the Council is to be based upon entitlement to vote at an election for the Council.

Clause 6 removes obsolete material from section 19. Clause 7 removes obsolete material from section 32. Clause 8 provides that in order to be qualified to vote at an Assembly election the prospective voter must be an Australian citizen rather than a British subject. However, the qualification of a British subject who is presently enrolled as a Commonwealth or State elector is preserved. Clause 9 removes the voting qualification based on military service. This is largely irrelevant following reduction of the voting age to 18 years. Clause 10 repeals the second and third schedules which are now obsolete.

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

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Section 31 of the Adelaide Festival Centre Trust Act provides that the centre shall have, for a period of 10 years expiring on 31 December 1981, an assumed annual value of $50 000. This assumed value is relevant for the purpose of calculating council rates and water and sewerage rates. The current grant to the trust for the 1981-82 financial year is $2 100 000. This is the basic minimum required by the trust to maintain its operations. Any increase in rates would disturb the delicately balanced budget. The present Bill therefore continues the operation of section 31 for a further two years (i.e. until 31 December 1983). Because water and sewerage rates are calculated on the basis of capital value (and council rates may also be calculated on that basis) the Bill adds a provision to the effect that the assumed capital value of the centre is to be $1 000 000. Clause 1 is formal. Clause 2 amends section 31 in the manner outlined above.

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

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3064.)

The Hon. C. J. SUMNER (Leader of the Opposition): I cannot think of anything to say about this important Bill, beyond the fact that whether it is necessary or not has not really been demonstrated. If our agreeing to it makes the Government happy, we will agree to it.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

CORRECTIONAL SERVICES BILL

In Committee.

(Continued from 25 February. Page 3142.)

Clause 33—'Prisoners' mail.'

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

Page 12, line 43—Leave out 'as soon as reasonably practicable after' and insert 'on the day on which'.

Clause 33 deals with the question of censorship of prisoners' mail and while it represents an improvement on the present position it is still not satisfactory as far as the Opposition is concerned. A substantial censorship of prisoners' mail is still envisaged by the Bill. This matter was investigated at some length by the former Chief Secretary (Mr Simmons) and I understand that his view was that the situation that pertains in Washington State in the United States provided a desirable formula for censorship of prisoners' mail. Basically, that was that the mail to certain persons would not be subject to censorship. They were letters sent to the Ombudsman, a member of Parliament, a visiting tribunal, or a legal practitioner. That is incorporated in this Bill, so correspondence to those persons or bodies is not subject to censorship by the prison authorities. However, the other aspect that I understand was the position in Washington State was that, for there to be censorship or for the prison authorities to intercept and open a letter or parcel, there should be some reasonable grounds for suspecting that the letter or parcel contravened the Act or the regulations of the prison.

My amendment in respect generally of prison censorship is that there ought to be a reasonable ground for suspecting that there is contravention of the Act in relation to the transmission of letters or some reason for suspecting that there is in the letter some information that could lead to a contravention of the Act or the regulations. My other amendment deals with clause 33, in particular that the letter or parcel should be handed to the prisoner on the day on which it is received by the prison authorities.

The Bill at present provides that the letter or parcel should be given as soon as reasonably practicable to the prisoner after it has been delivered to the correctional institution. On this point, the Opposition cannot see any reason why the letter or parcel ought not to be handed to the prisoner on the day on which it is received by the prison authorities. The requirement that it be handed on as soon as reasonably practicable after receipt seems to us to give a discretion that is too broad and one that ought to be tightened by the amendment.

The third amendment I have, which I think I can deal with later, deals with what should happen to any money or other goods intercepted by the prison authorities in a parcel, but that is a separate amendment. The first amendment deals with the issue of when a parcel or letter should be handed to a prisoner. I have outlined the Opposition's point of view—that a parcel or letter should be handed to the prisoner by the authorities in a prison on the day on which it is received by them.

The Hon. C. M. HILL: Dealing with the last point first, it appears to the Government that the Opposition is requesting that a prisoner receive any letter or parcel on the same day as it is received at the institution. In the Bill we have stipulated that the letter or parcel be handed to the prisoner as soon as practicable after it is delivered to the institution. Deliveries of mail to prisons is through a box number to preserve the anonymity of the prisoner's location. Those deliveries are made mid-morning and afternoon. The authorised officers work from 8 a.m. to 5 p.m. daily, and the recording and opening of mail before 5 p.m., in the case of an afternoon delivery, would very often not be possible. The despatch of letters must also be recorded.

Another reason why the amendment is not practicable is that letters and packages are often hand delivered by the public to the institution outside office hours during the absence of authorised officers and whilst prisoners are locked in their cells. It is only fair that prisoners receive mail as soon as reasonably practicable after delivery to the institution, but it would be unreasonable to place a same-day demand on an operation where there may be a large volume of mail received late in the day. The authorised officer is the person, being the person on this regular duty, who will acquire a knowledge of the prisoners and their correspondence. Most of those are in the large institutions, where there are in excess of 100 letters a day processed in and in excess of 200 a day processed out, some of which are 25 to 35 pages in length.

Amendment negatived.

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

Page 13, lines 19 to 33—Leave out subclauses (4) and (5) and insert subclause as follows:

(4) Subject to subsections (7) and (8), where the superintendent suspects on reasonable grounds that a letter or parcel sent to or by a prisoner contravenes this section, the superintendent may cause the letter or parcel to be opened and perused or examined by an authorised officer.

I have outlined my reasons for the second amendment. First, we believe that the discretion given in the present Bill regarding censorship is too broad and that my amendment, in essence, would require that there are reasonable grounds to suspect that the Act is being contravened. If there are such grounds, then there can be an inspection of the prisoner's mail. Clause 33 (4), as presently outlined, gives a superintendent a broad and general power to open all parcels sent to or by a prisoner to determine whether those parcels contain a prohibited item or a sum of money. In other words, the restriction on censorship of prisoners' mail in clause 33 is really no greater than what exists at the moment, except in the respect that certain categories of letter have been excluded from the surveillance so that a letter to the Ombudsman, a member of Parliament, a visiting tribunal, or a legal practitioner at his business address is exempt from being opened and perused. They are not subject to censorship.

Apart from that, I believe that the proposal made by the Government in clause 33 does not improve the censorship position beyond the position that exists at present. I think that there has been considerable criticism of the way in which censorship in prisons has operated, and I believe that the amendment will provide a reasonable balance between the rights of the authorities to know whether there is any likelihood of any offence being committed (to ensure that the prison is protected and that there is protection for the public from any possible escape or illegal act within the prison) and the rights of the prisoner to have some degree of privacy in his correspondence. The fact is that under the Government's proposal there is really no privacy, for instance, in relation to letters that might go between the prisoner and his family. I believe that our proposition, which requires a reasonable suspicion to be demonstrated, is a more sensible one than the Government's proposition. I do not believe that the Government's proposal, except that it now excludes certain categories of letter from censorship, goes any further than the present position. My amendment deserves the support of the Committee.

The Hon. C. M. HILL: It is necessary to open all letters and parcels to check the receipt of money and valuables as well as to guard against the introduction of contraband. Prisoners are not permitted to carry money in prison, and the possibility of its being introduced by a correspondent must be guarded against. It is not possible to suspect the presence of any of the items that contravene the clause unless the correspondence is opened. The amendment, therefore, cannot be accepted by the Government. It is a requirement of the Audit Act that mail be opened in the presence of two people, and this is rigidly adhered to.

The necessity to actually read correspondence will depend on security and on knowledge of the prisoner acquired by the authorised officers. Subclauses (4) and (5) of the Bill (and these are the two subclauses affected by the Hon. Mr Sumner's amendments) are in accordance with the recommendations of the Royal Commission. The Government has decided to accept the Royal Commission's recommendations that all mail be opened to check for contraband, but that only random sampling should be carried out for the purpose of censoring mail.

The Hon. C. J. SUMNER: What is the position in relation to mail censorship in other correctional institutions in Australia and in other countries such as the United Kingdom and the United States of America?

The Hon. C. M. HILL: Generally, it is much the same as provided for in this Bill.

The Hon. ANNE LEVY: Why are letters in a language other than English singled out in this way? Under subclause (6) if a letter opened on a random basis turns out to be in a language other than English it may be translated. There is no quarrel with that. Why are letters written in a language other than English singled out in this way? Letters in English will only be opened on a random basis, while all letters in another language will be opened. That is discrimination on the grounds of language. Has the Minister consulted the Ethnic Affairs Commission about this measure? As the Minister Assisting the Premier in Ethnic Affairs, how does the Minister feel about this particular singling out of letters written by prisoners in a language other than English?

The Hon. C. M. HILL: We are referring to people who have offended against the law. The Government has agreed to follow this particular recommendation of the Royal Commission *in toto*. The Government believes it is proper that letters in a language other than English should be opened and perused.

The Hon. ANNE LEVY: Subclause (5) provides that letters to or by a prisoner who is likely to escape may be opened; that is fair enough. It also provides that letters sent by a prisoner who has previously contravened the regulations should be opened; that is also fair enough. It also provides that any other letters selected on a random basis may be opened, and I presume that was a recommendation from the Royal Commission.

If one accepts the recommendations of the Royal Commission, 'any other letters selected on a random basis' means that some of them but not all of them may be opened. Why are letters written in a language other than English singled out? Subclause (6) covers the position where a letter opened on a random basis is written in a language other than English and provides that it can be translated. That is fair enough. Therefore, why is subclause (5) *(c)* necessary? It could be omitted from the Bill, leaving the two categories of letters that can be opened, plus any other letter on a random basis. That would also leave subclause (6), which provides that a letter opened and found to be in a language other than English can be translated. I do not understand why letters in a language other than English should be singled out in subclause (5) *(c)*. I believe they are covered by subclause (5) *(d)* and subclause (6).

The Hon. C. M. HILL: There are situations where prisoners who normally speak English suddenly decide to write a letter in a foreign language.

The Hon. Anne Levy: So what?

The Hon. C. M. HILL: I was about to say that it is possible that such a letter might involve a planned escape or some other misdemeanour.

The Hon. Anne Levy: That would be covered by subclause (5) *(a)*.

The Hon. C. M. HILL: Nevertheless, the Government believes that such letters should be opened to attract the attention of the authorised officer.

The Hon. ANNE LEVY: That situation would be covered by subclause (5) *(a)*. Why is subclause (5) *(c)* necessary? What situation is covered in (5) *(c)* which is not covered by subclauses (5) *(a)*, (5) *(b)* and (5) *(d)*, and subclause (6)?

The Hon. C. M. HILL: It is a further check on the conduct or behaviour of prisoners. As the honourable member said, it is true that a letter can be opened if in the superintendent's opinion the writer is likely to attempt to escape. There are situations where a prisoner who normally speaks English and writes in English suddenly writes a letter in a foreign language. We believe that such letters should be opened and perused by an authorised officer.

The Hon. ANNE LEVY: I believe that the Minister is saying that any letter written in a foreign language, *per se*, is suspicious. I cannot think of any circumstance which would not be covered by subclauses (5) *(a)*, (5) *(b)*, (5) *(d)* or subclause (6). If it is in a language other than English it can be translated. Surely the Government's view reflects an old attitude held years ago by Australians that any language other than English is a matter for concern and suspicion and that anyone who uses a language other than English is under suspicion, is a screwball and has to be treated with the greatest suspicion. Surely we do not take that view these days; surely we accept that Australia is a pluralist community, a multi-cultural community. In fact, we foster the use of foreign languages. The Minister, wearing his other hat, would be well aware of that. Surely the Ethnic Affairs Commission would not approve of subclause (5) *(c)*, which suggests that foreign languages, *per se*, are suspicious. Has the Minister asked the Ethnic Affairs Commission for its attitude to this measure?

The Hon. C. M. HILL: The honourable member is either being very childish or she is trying to play politics of the worst possible kind.

The Hon. Anne Levy: I am not at all.

The Hon. C. M. HILL: Well, that is my view.

The Hon. Anne Levy: Answer the question; don't be abusive.

The Hon. C. M. HILL: I did not interrupt you when you were talking. The situation is as I mentioned earlier that, if a prisoner who mainly talks and writes in English suddenly sends out a letter in his original foreign tongue, that is sufficient ground for some suspicion by the authorised officer. The duty of the authorised officers is to maintain security in the prison and, quite properly, they would then be bound by this new provision to open that particular letter and peruse it to see whether or not it contravened the law.

The Hon. ANNE LEVY: What about the situation of a person who has very poor English and always writes in a foreign language? The recipients of his letters speak no English at all, so he must write in a foreign language if his letters are to be understood. Why is that, *per se*, a matter of suspicion so that such letters must be opened? That seems to be discrimination on the grounds of use of a foreign language. I repeat my question: has the Ethnic Affairs Commission been consulted on this matter?

The Hon. C. M. HILL: I do not know whether the Ethnic Affairs Commission has been consulted. I am not concerned about forwarding this matter to the Ethnic Affairs Commission and seeking any advice from it. We are dealing with legislation not regarding the Ethnic Affairs Commission but on an entirely different matter. The authorised officers, being responsible officers, have their guidelines here, and they would have to follow them as provided in subclause (4).

The Hon. ANNE LEVY: Can the Minister tell us whether the specific point in subclause (5) *(c)* was recommended by the Royal Commissioner, separately from subclauses (5) *(a)*, (5) *(b)*, and (5) *(d)*?

The Hon. C. M. HILL: I do not have that exact information.

The Hon. ANNE LEVY: Will the Minister find out and let the Committee know whether subclause (5) *(c)* was specifically recommended by the Royal Commissioner separately from subclauses (5) *(a)*, (5) *(b)*, (5) *(d)*, and subclause (6)?

The Hon. C. M. HILL: I am endeavouring to locate the Royal Commissioner's report and will try to ascertain the information for the honourable member.

The Hon. C. J. SUMNER: I endorse what the Hon. Anne Levy has said about the matter, we will have to return to it at some later stage. My amendment is to delete subclauses (4) and (5). It deals with reasonable suspicion being required and has to some extent been side-tracked. I would like the Minister more fully to explain the system that will operate and, in particular, to say what the basis will be (given, apparently, that all mail will be opened unless it is in an exempt category) for detailed perusal of mail which is opened. What guidelines will be developed in this area?

The Hon. C. M. HILL: I have had the Royal Commissioner's report perused and it seems that paragraph *(c)* is not in the Royal Commissioner's recommendations. Regarding the Hon. Mr Sumner's point, I understand that the practice has been that the authorised officers have some knowledge of particular prisoners and, where those prisoners are of low security risk, their particular letters are not censored at all.

The Hon. C. J. Sumner: Are they all read?

The Hon. C. M. HILL: Are they all read at the present time, is that the point?

The Hon. C. J. Sumner: Are they all read at the present time? Is it intended they will all be read in the future?

The Hon. C. M. HILL: No, they are not all read at the present time and they will not all be read in the future.

The Hon. C. J. Sumner: On what basis will they be read?

The Hon. C. M. HILL: Letters will be read if there is any suspicion at all that there is a security risk involved by way of the letter's going out of the prison.

The Hon. Anne Levy: They will be read if they are in a foreign language, even if there is no suspicion?

The Hon. C. M. HILL: That is not the point at all.

The Hon. Anne Levy: Then why is subclause (5) *(c)* there?

The Hon. C. M. HILL: Simply from the point of view of security. All letters will not be read. Prisoners with ethnic backgrounds who speak in foreign languages and consistently write in foreign languages and become well known to the authorised officers will not have their mail censored.

The Hon. ANNE LEVY: I still do not understand why subclause (5) *(c)* is there. The fact that a prisoner may speak and write English normally and occasionally write in a foreign language will depend on the recipient. I normally speak and write English, but I do write to people who do not understand English, in which case I write in a language other than English, otherwise the recipient would not understand the letter when he or she received it. To just, *per se*, open a letter because it is not in English seems quite unnecessary. It is not a question of escape, because that is covered under subclause (5) *(a)* and subclause (5) *(d)* covers random opening of mail. This seems a most old-fashioned view of what we are proud to call today a multi-cultural society. I am sure that ethnic groups will not be pleased at the innuendo that their languages *per se* are suspicious.

The Hon. C. J. SUMNER: Apparently the Minister is refusing to respond to that query. I must confess that I understood the Minister was the Minister assisting the Premier in Ethnic Affairs. He does not seem to be showing any particular regard for the normal principles under which the Ethnic Affairs Commission operates. The principles in the Act were committed to him for administration; still, that is his problem. I am also surprised that he has not agreed to refer the matter to the Ethnic Affairs Commission. In the light of the Minister's responses, the Opposition has no choice but to move for the deletion of subclause (5) *(c)*. What I want clarified is the system that will operate if this Bill is passed in its present form without my amendment. I take it that this is a correct summary of the position: first, that all mail and parcels will be opened except letters sent to the Ombudsman, members of Parliament, visiting tribunals, and legal practitioners at their business addresses; secondly, some letters will be read; and, thirdly, some letters will be physically censored. What will be the basis for the authorised officer reading the letters, and what will be the criteria for physical censoring of the letters?

The Hon. C. M. HILL: All letters are not physically censored, nor will they be physically censored under the Bill's provisions.

The Hon. C. J. Sumner: Is it correct that they will all be opened?

The Hon. C. M. HILL: Yes.

The Hon. C. J. Sumner: Which ones will be read? Will they all be read?

The Hon. C. M. HILL: They will not all be read. It is a random system.

The Hon. Anne Levy interjecting:

The Hon. C. M. HILL: The Hon. Miss Levy continues to show interest in her subject. The superintendent is not obliged to open a letter in a foreign language and has complete discretion whether or not he opens a letter. In the case of a new prisoner who may write in a foreign language, that could be a situation that should be considered. In that situation the superintendent may have no idea whether the prisoner is liable to escape. In those circumstances, I am sure that the Hon. Miss Levy would agree that the letter should be liable to be checked. It is a question of security in prisons. We are dealing with public security in regard to problems that can arise if prisoners do escape. We are dealing with the question of trying to maintain adequate and proper security within the prisons themselves.

The Hon. ANNE LEVY: I appreciate the point, but why does writing in a foreign language make any difference? A new prisoner who has never written a letter before may be trying to escape, and that may apply just as much as if he writes in English as in any other language. Why should a letter written in another language be treated differently? The situation described should apply to everyone in regard to paragraphs *(a)* or *(b)*; it ought to be exactly the same for a letter in English or any other language.

The Hon. C. J. SUMNER: I seek a definite statement from the Minister about what the procedure will be. I understand that all letters and parcels will be opened, except those to the Ombudsman, members of Parliament and the like; that some letters will be physically read, and that will be determined partly on a random basis and partly from the authorised officer's knowledge of the individual prisoner and his general security classification; that some letters will be physically censored if they contravene these subclauses; and that physical censorship will occur in accordance with clause 33 (10) *(a)* (iii). Is that correct?

The Hon. C. M. HILL: Yes. In regard to censorship, the letters are not physically censored. In the case of an outgoing letter, a prisoner will be told that it will not be sent. For an incoming letter, it is put aside until the prisoner is discharged.

The Hon. C. J. SUMNER: That does not fit in with this provision, which states that material which contravenes the

clause may be deleted from the contents of the letter. That would be a physical deletion. There would be a third category of physical censorship.

The Hon. C. M. HILL: The provision to which the Hon. Mr Sumner refers also provides for it to be handed over to the prisoner upon his discharge from prison.

The Hon. C. J. SUMNER: If on perusal of a letter there is found to be material which contravenes this section, that material will be physically removed, but will the balance then be handed to the prisoner as soon as reasonably practicable, and will the letter itself be given to the prisoner at the end of his sentence?

The Hon. C. M. Hill: Yes.

The Hon. C. J. SUMNER: Having heard the Minister's explanation, I can say only that the system proposed by the Opposition is preferable. Clearly, every letter and parcel will be opened. A few of them will be perused irrespective of a prisoner's security classification or of any suspected contravention of this provision. I have been advised by my colleague in another place, Mr Keneally, that the amendment that we intend to move would place South Australian censorship provisions in line with those that exist in Washington State in America, where this system of reasonable suspicion apparently works satisfactorily. It is that system which the former Chief Secretary, the Hon. D. W. Simmons, concluded was the most desirable system for South Australia. I intend to pursue the amendment, which would require reasonable grounds for suspicion of contravention of the provision before there could be opening of parcels and letters for subsequent censoring.

The Hon. C. M. HILL: The Government cannot accept the argument that, merely because something is suitable or recommended in Washington State, or anywhere in America, it is suitable for use in South Australia.

The Hon. C. J. Sumner: It's a progressive State.

The Hon. C. M. HILL: We are progressive here, too, but the previous Government was not progressive in regard to this measure. It seems that the Opposition is pursuing the same line of reasoning here as it tried to pursue in another place. It is trying to fashion this Bill to be identical with the Bill that it had in some draft form before this Government's coming into office.

I do not want to go to far into the question of the problems and difficulties that this measure faced during the term of office of the previous Government, but the facts of life were that that Government could not seem to make up its mind on what kind of draft measure it thought desirable. I understand that various copies of the measure were strewn around the office when the present Chief Secretary took up the portfolio in September 1979. I understand that the former Chief Secretary was telling another Minister to keep out of his portfolio and mind his own business. Generally, the measure was in somewhat of a mess.

The Hon. C. J. Sumner: What's this got to do with the amendment?

The Hon. C. M. HILL: The Leader is trying to amend this measure so that it falls into line with the last of a series of Bills that his Chief Secretary was trying to get into Parliament. We certainly have not prepared this measure off the top of our heads. We have had the inquiries to which I have referred in the second reading explanation and we have taken a long time to fashion the Bill in its present form. Therefore, we do not agree that, because the State of Washington has a certain approach to this matter, that approach is better than the one in the Bill. I reject the proposal that lines up apparently with some provision in the State of Washington. I think that the properly researched measure before the Committee is far better.

The Hon. C. J. SUMNER: I do not rely purely on the fact that it is a proposal that comes from Washington State. I merely put that forward as the system of censorship we are proposing, and it is apparently operating successfully elsewhere. Basically, we believe that the proposal we have provides a balance between the rights of the community and the authorities to ensure that there is no wrong-doing in prison and the rights of prisoners to a certain degree of privacy in correspondence.

I assure the Minister that this proposal by the Labor Government was very well researched. The Chief Secretary went overseas to research it. He visited prisons in Washington State and other correctional institutions throughout the world. To say that it was not carefully researched would be an insult to that gentleman. We believe that our proposal is desirable. It provides that there must be some kind of suspicion before prisoners' mail can be opened, and apparently that works satisfactorily in other parts of the world.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 13, lines 28 and 29—Delete paragraph *(c)* of subclause (5).

I now move that subclause (5) *(c)* be deleted.

The Hon. R. C. DeGARIS: I think we have dealt with subclause (5). The only thing to do is to recommit.

The Hon. C. J. SUMNER: We have not. I have moved that subclauses (4) and (5) be deleted, for the purpose of inserting another provision. I would not have thought that subclauses (4) and (5) would not stand, because that amendment has been defeated. I gave the Committee an indication that I intended to move for the deletion of subclause (5) *(c)*.

The CHAIRMAN: I rule that subclause (5) has been determined by the Committee to stand. If the Leader wishes to deal with subclause (5), it will have to be by way of recommittal.

The Hon. C. J. SUMNER: I gave clear notice when we were debating the issue that we were going to move for the deletion of subclause (5) *(c)*, and I cannot see why the Chair put the amendment in the way in which it was put.

The CHAIRMAN: Since it was the way in which it was presented to me, that is the way it was put.

The Hon. R. C. DeGARIS: I suggest that the correct procedure would have been for the Opposition to move for the deletion of subclause (4) and, when we came to subclause (5), to move to delete paragraph *(c)* first.

The Hon. C. J. Sumner: I did that.

The Hon. R. C. DeGARIS: The honourable Leader did not; he did exactly the reverse. As he tried to delete subclauses (4) and (5), we cannot now go back to subclause (5) *(c)*—There must be a recommital.

The CHAIRMAN: There will be no futher discussion on this matter. The Leader can recommit.

The Hon. C. J. SUMNER: My answer to the Hon. Mr DeGaris is that I did indicate that I wished to move that amendment and that the procedure should have been, in view of your ruling, Sir, that subclause (5) *(c)* be dealt with before we dealt with the deletion of subclauses (4) and (5). The only point I make is that I did raise that point during

the debate, but it was not dealt with in that way. I now move my next amendment to clause 33:

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

(iii) credit it to the prisoner;

or

(iv) forward it to the intended recipient.

Subclause (10) of clause 33 deals with the situation in which a prohibited item is found in a letter or parcel. It provides that certain things can happen to that prohibited item when it is found. It provides, in the case of a letter or parcel, that the item may be destroyed, handed over to the prisoner upon his discharge, retained as evidence, returned to the prisoner, forwarded to an intended recipient, or disposed of in such other manner as the superintendent thinks fit.

In the case of money, it provides that it may be held by the authorities, retained as evidence, paid into the general revenue of the State, or disbursed in such other manner as the Minister may direct. The Opposition believes that, in the case of money, what we have here is confiscation of a prisoner's money without any order of the court, and, indeed, without any proof that an offence has been committed.

As I understand it, if money is found in a letter it will not be returned to the prisoner in any way. It will not be sent on, if it is found in an outgoing letter, to the recipient. If there was money coming into the prison to a prisoner, it would not be given to the prisoner after he was discharged from the prison. Any money that is found coming through the post to the prison will automatically be confiscated by the State; there would be no legal proceedings to allow this to happen. There would be no question of its being subjected to a court or tribunal. It may be sent perfectly innocently. It may be that someone did not know the regulations and sent the money to the prisoner thinking that perhaps he could buy something at the store. If that money is found in those circumstances it automatically, as I understand the clause, goes into general revenue.

There is a discretion, it is true, that the Minister may direct that it go somewhere else. It may go to a charity, back to the prisoner's relatives or to the prisoner after he is discharged, but that is a discretionary matter for the Minister. The basic proposition is that, if money is found in correspondence, it will go to the general revenue of the State. My amendment deletes the proposal that it should go to general revenue of the State and states that it should be credited to the prisoner and given to him, presumably on his release. I cannot see the justification for having the funds paid into the general revenue of the State. As I have said, when money is sent there is no court order that it become part of general revenue—that is purely at the administrative discretion of the prison authorities. Therefore, I think our amendment is more satisfactory.

The Hon. C. M. HILL: The honourable Leader is talking, really, about another matter. He is talking about money that may be coming in. He is really dealing with subclause (10).

The CHAIRMAN: Yes, I meant to point that out. We are dealing with subclause (11).

The Hon. C. M. HILL: The honourable member's amendment covers the situation of money going out from the prison. That is the amendment that the Government has considered—the situation in which a letter or parcel is sent out by a prisoner, opened and contains money which obviously has been obtained by illegal means. As we have stated previously, prisoners are not permitted to carry money, and any sums being sent out are withdrawn from the prisoner's trust accounts in the regular manner and forwarded out as a non-negotiable instrument for the protection of those involved in the transaction. Therefore, any money found in the possession of the prisoner should be accounted for and, if the explanation is not satisfactory, it should be paid into the general revenue of the State. That is how the Bill is worded. If a prisoner's explanation for obtaining the money is satisfactory (for instance, money is sometimes found in the laundry), it will be credited to that person after due inquiry, but money to be forwarded outside should always be withdrawn from the prisoner's trust account to protect all parties from loss in the post as well as in handling in the regular manner. The disbursement in a manner directed by the Minister would permit the return of money to the rightful owner when it is stolen or otherwise illegally obtained.

The Hon. C. J. SUMNER: I take it, then, that if money is found on a prisoner, or is being sent out of prison and the prisoner's explanation as to how he came by that money is satisfactory, it will not be paid into the general revenue of the State; it will be paid into the general revenue of the State only if the explanation is unsatisfactory. That may be all right in theory, but there is no (what one might call) judicial review of that position; it all depends on the satisfaction of the authorities in the prison.

I take it from what the Minister said that that is the position and that with respect to money coming into the prison, it would not, in general, become part of the general revenue of the State except in circumstances where it was ascertained that the prisoner was not lawfully entitled to the money. In other circumstances, the money coming in would be either given to the prisoner or sent back to the sender unless there was evidence that the prisoner was not lawfully entitled to the money.

The Minister is correct; there is a different set of criteria for money coming in compared to money going out. In general terms, money coming in would find its way to a prisoner unless he was not lawfully entitled to it. In relation to money going out, the money would be returned to the prisoner provided there was a satisfactory explanation of how he came by it in the first place.

The Hon. C. M. HILL: Money coming in is dealt with under subclause (9) *(c)*.

The Hon. C. J. SUMNER: I take it that the answer to my question is 'Yes'?

The Hon. C. M. Hill: Yes.

Amendment negatived; clause passed.

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

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

Page 16, line 6—Before 'debar' insert 'with the approval of the permanent head,'.

Subclause (3) vests a superintendent with certain discretions. A superintendent may, for special reasons, permit a prisoner to be visited on occasions other than those specified in the Act and regulations. It also provides that, if special reasons exist, a superintendent may debar a particular person from visiting a prisoner for such period as the superintendent thinks fit or until further order of the superintendent. My amendment requires the permanent head to approve the proposition that a particular person should be debarred from visiting a prisoner. In other words, if visiting rights are to be withdrawn for a particular person, such withdrawal should be sanctioned by the permanent head. There should be a check on the absolute authority of the superintendent of a correctional institution.

The Hon. C. M. HILL: Most decisions in relation to debarring a person from visiting a prisoner must be made on the spot and usually relate to prior knowledge of a visitor by the superintendent of an institution. I cannot help but stress that it is the superintendent who is in charge. It would be on these grounds that the permanent head would likewise have to make his decision, if the Committee seriously considers this amendment. Some people may be debarred

from visiting because of their disturbing state. Therefore, the refusal is usually only temporary, for instance, in the case of drunkenness.

The majority of visits, other than for remandees, are conducted on weekends for the convenience of visitors and the management of the institutions, and the permanent head would simply not be available to be contacted at that time. Therefore, it would be completely impractical to require the approval of the permanent head to debar a particular visitor. The superintendent is the best person to assess the circumstances of the visit, and the character of the visitor. For these reasons the Government cannot accept the Opposition's amendment.

The Hon. C. J. SUMNER: Will the permanent head be able to override the decision of a superintendent? Would the Minister be in a position to override a decision made by a superintendent and the permanent head, should the occasion arise? Obviously, there could be situations under clause 34 (3) where the superintendent of a correctional institution debarred a person from visiting a prisoner for some considerable time. It could be that the permanent head wished to have some authority in that matter. I would have thought that the general proposition was that the permanent head could direct the superintendent of a correctional institution to change his mind and, in turn, the Minister had ultimate authority in such a matter. Are we withdrawing the ultimate authority from the permanent head and, in turn, from the Minister?

The Hon. C. M. HILL: No, there is no intention to withdraw the chain of authority at all. It is possible for a particular person to put his case to the permanent head or the Minister. It is also possible for the superintendent to be informed of the views of the permanent head or the Minister.

The Hon. C. J. Sumner: And for the decision to be overturned?

The Hon. C. M. HILL: In those circumstances the superintendent could be told what to do.

Amendment negatived; clause passed.

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

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

Page 16, after line 10—Insert new subclause as follows:

(1a) The superintendent of a correctional institution shall ensure that a prisoner who desires the services of a legal practitioner has access to those services as soon as reasonably practicable.

This clause enshrines in the legislation the right of a prisoner to have the benefit of any law relating to legal aid. It provides virtually free access by a legal practitioner to a prisoner for the purpose of rendering legal services. In other words, the restrictions on visiting provided by clause 34 should not apply to a legal practitioner, and that is specified in clause 35. The Opposition believes that proposal is desirable and supports it. However, my amendment takes the situation a step further and provides that the superintendent of a correctional institution shall ensure that a prisoner who desires the services of a legal practitioner has access to those services as soon as reasonably practicable.

The Opposition believe that this is an important right that ought to be enshrined in the legislation. It is all very well to say that a prisoner is not debarred from legal aid or that there is no problem with a legal practitioner visiting a prisoner. There ought to be enshrined in the Act an obligation on the superintendent of an institution to ensure that, if a prisoner requests a legal practitioner, that request should be granted as soon as is reasonably practicable. In other words, this places an obligation on the superintendent of an institution to convey a request for legal advice or a request for a legal practitioner from a prisoner, to the practitioner designated by the prisoner presumably or, alternatively, by some contact through the Legal Services Commission.

I consider that this is an important amendment. While I have not called for a division on some of the other amendments, I will certainly do so on this amendment, should the Government not be disposed to accept it. The right in the clause as presently formulated is there but, to give practical effect to that right, there ought to be an obligation on the superintendent to transmit any request for legal services to the prisoner's solicitor or, in the absence of any solicitor being notified, to the Legal Services Commission. That is what my amendment does.

The Hon. C. M. HILL: The Government cannot accept this amendment. All prisoners entering a prison are interviewed by an interviewing officer between 24 and 36 hours after entering a prison, and part of the interviewing process is to acquaint prisoners with the legal services that are available. The Legal Services Commission regularly visits the gaols in Adelaide and is able to inquire whether any person is seeking legal assistance. Prisoners on remand can make a telephone call to their solicitors should they so desire. The amendment put forward by the Opposition is superfluous, because clause 35 (1) states that a prisoner is not, by virtue of his imprisonment, debarred from the benefit of any Act or law relating to legal aid. This makes quite clear that prisoners are entitled to legal aid. Also, if access to legal services is not provided by the superintendent, then the prisoner can draw his complaint to the attention of the visiting tribunal or the Ombudsman.

The Hon. C. J. SUMNER: That is not satisfactory as far as the Opposition is concerned. The right in clause 35 (1) is a negative right in the sense that it says that a prisoner is not debarred from legal aid. The amendment I propose makes the right more positive because it says that a superintendent of a correctional institution shall ensure that legal aid is available to a prisoner if he requests it. Frankly, I cannot see why the Government is opposed to that fairly simple proposition. I assume that if a superintendent was now asked by a prisoner for a solicitor to be contacted or for legal aid to be sought, then that superintendent would do it. If that is the existing practice, why has the Minister an objection to this proposal? It may be that it is not the existing practice and, if it is not, then there is all the more reason for my amendment. The Minister should clarify that.

The Hon. C. M. HILL: That is indeed the existing practice, that a prisoner can seek that aid. The honourable member is only playing with words; the hard fact of life is that the Bill states that a prisoner is not, by virtue of his imprisonment, debarred from the benefit of any Act or law relating to legal aid. As I said a moment ago, it is clear that prisoners are entitled to seek legal aid. That is what the Government wanted to write into the law and—

The Hon. C. J. Sumner: We knew that anyhow; there is nothing new about that.

The Hon. C. M. HILL: Why do you want to clutter it up with a further clause just to make sure of it? If you know it is the case, it should be accepted.

The Hon. C. J. SUMNER: What is the position if a prisoner requests a lawyer, requests permission to contact a lawyer or requests that the Legal Services Commission be contacted? What is the procedure that is followed within a prison when that request is made?

The Hon. C. M. HILL: The prisoner can either make a phone call, write a letter, or, if a prisoner wants the officer to ring his lawyer up, the officer will do that for him.

The Hon. C. J. SUMNER: Within what time would that be done? Is it done as a matter of urgency? Will the Minister give an undertaking that, if a prisoner requests the services of a solicitor or contact with the Legal Services

Commission, the superintendent or officer-in-charge will ensure that that contact is made?

The Hon. C. M. HILL: It is simply done as quickly as possible. Using the honourable member's words in his amendment, 'as soon as it is reasonably practicable to do it' a call is put through to the prisoner's solicitor either by the prisoner himself or by an officer at the gaol acting for the prisoner.

The Hon. C. J. SUMNER: I take it that what the Minister is saying is that, in practice, what is done is what is envisaged by my amendment?

The Hon. C. M. HILL: The practice that is followed and the practice that will be followed is in accordance with the particular clause in the Bill, 'is not . . . debarred from the benefit of . . . legal aid', and the procedure is that a telephone call by the prisoner or by an officer is put through to the prisoner's solicitor. I do not think it can be any clearer than that.

The Hon. C. J. SUMNER: Can the Minister answer my question? Is the practice in correctional institutions as outlined in my amendment?

The Hon. C. M. HILL: The practice is as I have just explained.

The Hon. C. J. Sumner: Well, is it the same as in the amendment? It is a simple enough question.

The Hon. C. M. HILL: The amendment refers to the superintendent: we are talking about the prisoner. If a prisoner wants legal aid he gets it by telephoning or having an officer telephone the lawyer nominated by the prisoner. That is the fourth time I have said it.

The Hon. C. J. SUMNER: Indeed it is, and that is the problem: the Minister refuses to answer the question. My question is quite simple. I have an amendment and if the Minister has not read it yet I will read it to him. Perhaps he will listen and give me a simple answer to a simple question. Is what is envisaged in this amendment the practice in correctional institutions in this State at the present time? Is it intended that that will be the future practice?

The Hon. C. M. HILL: The superintendent ensures that a call is put through for legal aid when the prisoner requests legal aid.

The Hon. C. J. SUMNER: I take it from the Minister's reply that the answer is 'Yes'. As that is the case, I cannot see why the Government has any objection to my amendment being included in the Bill, and I insist on it.

The Committee divided on the amendment:

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

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clauses 36 to 54 passed.

Clause 55—'Continuation of the Parole Board.'

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

Page 24—

After line 7, insert new paragraph as follows:

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

Line 8—After 'one, the' insert 'Deputy'.

This clause deals with the composition of the Parole Board. When the Committee previously sat we had an argument in relation to the advisory council and its composition. Basically, the comments that I made in relation to the advisory council apply also in relation to the Parole Board. It is not unreasonable to have a judge as Chairman of the board. Also, there should be community representation through specific organisations such as the Chamber of Commerce and the Trades and Labor Council. Also, there should be a reserved place, in effect, for an Aboriginal on the board. These arguments were canvassed at some length in relation to amendments to the Prisons Act last year, and I do not intend to rehash them now.

The Hon. C. M. HILL: The Opposition wants a judge of the Supreme Court to be Chairman of the Parole Board. For the reasons explained in relation to the advisory council, the Government believes that it is not appropriate for this amendment to be accepted. The Chief Justice has indicated that he does not favour judges being chairpersons or acting on administrative tribunals. We must accept that—

The Hon. C. J. Sumner: What did he think when he was in Government?

The Hon. C. M. HILL: The Leader ought to know, because he was closer to him than we were. We must accept that such persons have vigorous work loads without taking on extra jobs. For the same reasons, the Government cannot accept that persons from the Chamber of Commerce and the T.L.C. be appointed to the board. It is too restrictive and we have had difficulties in the past. However, the Chief Secretary has discussed this matter with Mr Gregory from the T.L.C. and has given an undertaking in another place that the former T.L.C. representative, Mrs Wallace, will continue as a member of the board.

The Chief Secretary has indicated to me that Mrs Wallace is a valuable member of the board and has a good working relationship with other board members. The proposal for a reserved place for an Aboriginal member of the board should also be rejected for the same reasons as were outlined in the earlier debate when the Government discussed the composition of the advisory council.

The Hon. C. J. SUMNER: Can the Minister advise me what emoluments are paid to board members and what the Chairman receives?

The Hon. C. M. HILL: I do not have those figures at hand. The figures are set, except where a public servant is on the board; if meetings are held within normal working hours, then remuneration is not paid to the public servant.

Amendment negatived.

The Hon. C. J. SUMNER: I will not proceed with other amendments to this clause that I had on file.

Clause passed.

Clauses 56 to 60 passed.

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

The Hon. C. J. SUMNER: I do not intend to proceed with this proposed new clause. My proposal was that the Parole Board may divide into panels for the purpose of hearing applications and, to some extent, I think it does not make any sense now that there is nothing further that refers to a Deputy Chairman. Nevertheless, I put to the Minister for consideration the proposition that the Parole Board should be divided for certain purposes. From experience I have had of prisoners applying for parole, there appears to be considerable delay in the consideration of parole applications and considerable delay between the hearing of one application and a subsequent application.

Although I think that this proposed new clause in its present form would not make sense because it refers to a Deputy Chairman and no Deputy Chairman is specified earlier in the Bill, I would like to know the Government's attitude to whether it sees any merit in expediting proceedings of the Parole Board and providing that prisoners may be able to apply at more frequent intervals than at present.

The Hon. C. M. HILL: The Government does not favour the principle of splitting the Parole Board. The board consists of six persons and each is chosen for his or her particular

expertise. A prisoner is entitled to have his or her application considered, in the view of the Government, by each of those persons. Therefore, we would oppose the proposal that the board should be split into two three-man mini Parole Boards. The Government believes that the prisoner is entitled to have his or her application considered by the expertise available in the board. As such, we cannot accept the proposition.

Also, the proposal would enable prisoners to be selective in choosing which mini board would hear his or her case, and we believe that the more realistic solution to the problem put forward by the Leader may be to increase the sitting times of the board from its current practice of meeting every three weeks for five hours to consider an average of 55 applications. However, at this stage we propose leaving that decision to the board.

The Hon. C. J. SUMNER: I am not entirely satisfied with the Government's decision on the matter but, as the board is not reconstituted in the manner we require (that is, with a Deputy Chairman appointed), to move an amendment in which the Deputy Chairman is referred to would not make sense. Nevertheless, we believe that it is a proposal that should commend itself to the Government for further consideration and I would appreciate it if that could be done.

Clauses 61 to 76 passed.

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

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

Page 32—After line 11, insert new subclause as follows:

(4) A person appearing before the Board may be represented by a legal practitioner.

This amendment deals with the question of appearance of representation before the Parole Board. At present, legal representation is not permitted in applications before the board. The general proposition is that the Commissioner of Police or a member of the Police Force may make submissions in writing and that the prisoner may make submissions in writing. However, if the board, the permanent head, an officer of the board, the Commissioner of Police, or a member of the Police Force appears personally before the board, the prisoner should have equal right of personal appearance, but nowhere is there a right for legal representation for prisoners before the board.

We believe it desirable that a prisoner may be represented by a legal practitioner. The problem is, of course, that the permanent head or other officer of the department, the Commissioner of Police, or a member of the Police Force would have a degree of expertise and experience in the field and, if he is a prosecutor in the Police Department, he would have direct experience of presenting cases and putting forward submissions, whereas the prisoner may not have any such skill. Under the present proposals by the Government, he would be placed at a disadvantage. Even though he would be entitled to personal appearance, the personal appearance would be just that.

There could be no legal representation and I believe that, because all the expertise would be on the side of the authorities, that would place the prisoner at a disadvantage. My amendment is designed to remedy that situation and provide for a general right of appearance before the Parole Board by legal practitioners.

The Hon. C. M. HILL: This would require a significant change in policy in regard to the operation of the Parole Board to which the Government is opposed. Current policy as embodied in the Act is that the cut-off point is clearly defined. That is that the prisoner submits a written application to the board. There is no bar stopping him from legal assistance in the drafting of such a submission. The board makes its decision on the basis of the written application plus supporting reports obtained from a number of sources. The board may also see the applicant, but for purposes of interview only. The board does not hear people other than the prisoner in support of the application but the board may request other people to provide information either in person or in writing.

Allowing a right of appearance by a legal practitioner in support of an application by a prisoner would create a number of difficulties. For example, there would be the danger of creating a mini trial type of atmosphere, a likely request for the prosecution to be represented as well, an enormous increase in the work load of the Parole Board, and the problem of having cut-off points, such as regarding the calling of witnesses, and so on. There is no legal argument involved in determining whether or not a prisoner should be released on parole, and therefore the Government cannot accept the Opposition's amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 78 to 89 passed.

New clause 90—'Regulations and rules should comply with United Nations policy in relation to the treatment of prisoners.'

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

Page 36—After line 22, insert new clause as follows:

90. The Governor, in making any regulations under this Act, and the Permanent Head, in approving the rules of a correctional institution, shall ensure that those regulations or rules provide a minimum standard for the treatment of prisoners that complies, as far as is reasonably practicable, with any United Nations statement of policy then in force in relation to the treatment of prisoners.

This new clause provides that the regulations and rules made under the Act should comply with United Nations policy in relation to the treatment of prisoners. As honourable members know, from time to time international conventions are produced by the United Nations on a variety of topics dealing with civil, political and social rights. This amendment merely seeks to ensure that, in so far as it is reasonably practicable, what we do in our correctional institutions in this State should comply with international standards.

I consider this a significant and important amendment. Indeed, I would be very surprised if the Government opposed it because I would have thought that it ought to be concerned about generally promulgated international rules in this area of treatment of prisoners, involving, as it does, people's civil and social rights. The proposal that is brought forward in my proposed new clause 90 is not one that should unduly restrict the Government. It states that the standards provided in the international community as laid down by the United Nations should, so far as practicable, apply within this State. The Australian Government has ratified a number of international conventions, including the international covenant on political and civil rights, the international covenant prohibiting all forms of racial discrimination, and the like. Conventions and standards are also laid down by the United Nations in this area of correctional services. Indeed, within the international covenant on political and civil rights, which occupied the time of the Ministerial Council on Human Rights, of which the Attorney-General was a member, there was discussion on this topic.

One of the arguments against the ratification at the Federal level of this convention was that many of the States did not comply with the terms of that convention in relation to imprisonment, arrest, and the like. I believe that it is important that this Parliament make an assertion of the importance of these international standards—that it is not insular and parochial about the issue but merely says that in so far as it is practicable within this State we will abide by international regulations. If we claim to stand up in the international community as being concerned for certain social, political and civil rights for certain civilised conditions as laid down by the international community, we should not be afraid of passing this clause.

The Prime Minister has indicated his support from time to time for such international conventions as the convention against all forms of racial discrimination and the international covenant on civil and political rights. Accordingly, I believe that in this State we ought to do what we can to support our Federal Parliamentary colleagues in endorsing the proposition that international standards should apply. I commend this proposition to the Committee because I believe it is a significant amendment that really deserves the support of everyone in this Parliament.

The Hon. C. M. HILL: The adoption of the United Nations minimum standard rules has been considered over many years by the Australasian Prison Administrators and Ministers.

The Hon. C. J. Sumner: That would be right.

The Hon. C. M. HILL: It was considered for 10 years while the Leader's Party was in Government. It is considered advantageous for agreement to be reached on the validity of each rule to the Australian penal scene and for uniformity in each State to be achieved. However, at present consensus has not been reached. In general, the South Australian penal system conforms to most of the minimum standard rules. It is simply not feasible to make reference to the minimum standards in legislation when total observation is impossible at the present time.

The Government is committed to improving the penal system in this State as is evidenced by this legislation and the various capital works programmes which have been announced (for example, the remand centre and the maximum security unit) and the appointment of additional staff. Every consideration will be given to the minimum standards in the planning of new facilities. The Government believes it is unwise to write the Opposition's amendment into this legislation.

The Hon. C. J. SUMNER: That explanation is completely unacceptable. It is typical of this Government that when any international standards are suggested for implementation in this State it is not interested in knowing about them. The Government is prepared to mouth a lot of platitudes about civil rights, racial discrimination and, in this case, minimum standards in correctional services. However, it is not prepared to do anything about it. I believe it would be a significant amendment. If this amendment is passed, it would be a recognition by Parliament that there is some merit in adhering to international standards. The amendment does not state that minimum standards must be slavishly adhered to. It is a practical amendment which provides that minimum standards be adhered to as far as is reasonably practicable by the State Government. I think that is perfectly reasonable, and the amendment should be supported.

The Hon. K. T. GRIFFIN: The United Nations conventions and treaties are always very widely drafted. When it comes to assessing whether or not they should be ratified consideration needs to be given to them in respect of their legal interpretation. In a number of these cases, such as the international covenant on civil rights, the Standing Committee of Attorneys-General, when considering human rights, has to ensure that the material that appears in the convention, covenant or treaty is properly interpreted in the context of the Australian scene and Australian law.

Many of the conventions are drafted in very general terms. Because of that I certainly support the Minister's caution about this amendment. As he said, in South Australia the standards that we embody in our legislation are in many cases higher than many of the standards in the United Nations conventions relating to prisoners. On the other hand, under the Constitution of the United States of America prisoners in that country are now able to claim access to all the facilities that they may deem necessary to enable them to conduct their own defence. One of the last things we want to do is have the American scene transported into South Australia in the context of taking into account the United Nations covenants.

The Committee divided on the new clause:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

New clause thus negatived.

Title passed.

Bill recommitted.

Clause 22—'Power of permanent head to assign prisoner to a specified correctional institution'—reconsidered.

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

Page 9, line 29—Leave out 'as the court may direct or, in the absence of any such direction,'.

This amendment relates to a vote that was taken last week in relation to this matter.

The Hon. C. J. SUMNER: I oppose the amendment. The clause as passed by the Committee is quite satisfactory and a decided improvement on the original Bill. I cannot, for the life of me, understand why a sensible Government—and that is what it claims to be—is being so stupid about wanting to recommit this clause and remove what is a perfectly sensible proposition, namely, where a prisoner is before a court, the court should have some say in the ultimate authority of where the prisoner is detained during remand proceedings. If the Government's amendment is approved, then we will be back to the situation that pertained in the original Bill—that where a person is retained will be entirely a matter for the permanent head of the department. If a person is on remand, the court (which is after all the authority that has charge of that prisoner, since he is before the court) ought to have a say as to the institution to which that prisoner on remand is committed.

The Hon. C. M. HILL: As I said last week when we dealt with this matter, it is not appropriate for the courts to assign prisoners to specific correctional institutions; it is far better that this responsibility remain with the permanent head. The department has an Assessment Committee and a Classification Committee and therefore it is in a position to determine an inmate's security classification and where that person will be best employed, taking into account his skills and job opportunities.

The Hon. C. J. SUMNER: This recommittal came about as a result of an absence on the part of an honourable member opposite. Maybe it has happened to others.

The Hon. C. M. Hill: You had one absent today, too.

The Hon. C. J. SUMNER: That is all right; we lost. I assume that, as that member is now present, we are unlikely to win the vote. I oppose the amendment strongly, but in view of the situation and the time I will not divide.

Amendment carried; clause as amended passed.

Clause 33—'Prisoners' mail'—reconsidered.

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

Page 13, lines 28 and 29—Delete paragraph *(c)* of subclause (5).

This matter was extensively debated during the Committee stage when I gave notice that I intended to move for this deletion. The vote was taken on the amendment I then had before the Chair before this one being moved and, accordingly, it was not possible for me to move it. This amendment deals with the question of the opening of letters that are in a language other than English. The simple argument which the Hon. Anne Levy put to the Committee quite forcefully was as follows: what is the magic in providing that just because a letter is in a language other than English there should be virtually automatic opening of that letter? There are other criteria in the provision on which a prison officer or a superintendent of prisons can decide whether or not mail should be opened. In the sort of society in which we live at the moment, the Opposition can see no reason why there should be automatic censorship of correspondence written in a foreign language when there may not be automatic censorship with respect to a letter written in English.

The Hon. C. M. HILL: I had some misgivings when I was arguing the case against the honourable member on this point earlier today and, accordingly, I did move that the clause be recommitted so that the matter could be raised further. I have had time to look more closely at the Bill and the effects of this provision. It seems as though it has slipped in because of its being an existing practice and, unbeknown to me, it was not part of the recommendations of the Royal Commissioner. In view of the actual wording of the clause and the significance behind that wording, I now support the proposition that this paragraph be removed.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

STAMP DUTIES ACT AMENDMENT BILL

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

AUDIT ACT AMENDMENT BILL

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

ADJOURNMENT

At 6 p.m. the Council adjourned until Wednesday 3 March at 2.15 p.m.