LEGISLATIVE COUNCIL

Thursday 21 April 1983

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

QUESTIONS

UNIONISM

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Attorney-General a question about a memorandum sent to Permanent Heads.

Leave granted.

The Hon. M.B. CAMERON: I refer to Public Service Board Memorandum to Permanent Heads No. 275 signed by the Acting Chairman of the Public Service Board and dated 13 April 1983, as follows:

Information for Unions

As a result of a Cabinet decision, Heads of Departments are requested to forward lists to the appropriate organisations indicated below which show the name, classification and location of employees or officers who do not have union subscriptions deducted from their wages or salaries.

United Trades and Labor Council—All weekly paid employees

Public Service Association of South Australia Inc.—(1) *All Public Service officers and (2) Salaried staff employed by the South Australian Health Commission.

Royal Australian Nursing Federation—All staff employed under the provisions of the Nursing Staff (Government General Hospitals) Award.

It is requested that the information be forwarded at quarterly intervals and that the first lists be forwarded as soon as possible. The above organisations have been advised of this memorandum, and their attention has been drawn to the fact that, as some employees and officers pay their subscriptions privately, departmental records will not show them as union members.

* Information concerning Public Servants is obtainable from the Common Payroll System Report by departments using the Common Payroll System.

This directive follows on the heels of the directive to teachers and other staff in the education field that, when applying for a position, they must sign a form stating that they will join the appropriate union and also must sign a 'remain in membership' form. That is bad enough, but the latter is absolutely scandalous. What would occur if the union took actions that one totally opposed? The choice is taken away.

Much is made of the benefits that flow from union membership, but what about the detriments? One may not wish to join a strike and one may wish to leave a union because of political actions or stunts they may embark upon. This directive to the Permanent Heads destroys the concept of privacy and freedom of individuals in this community.

The Hon. C.J. Sumner: Who said this?

The Hon. M.B. CAMERON: I am saying it. It is just not on for confidential departmental information to be made available to organisations outside Government, particularly to use Heads of departments as informants. The Opposition, I suppose, could just sit back and allow the Government to proceed down this Big Brother path and watch the community's anger rise against the Labor Party. However, I believe we have a duty as a responsible Opposition to try and gain protection for people against these bully-boy tactics. My questions are:

1. Will the Attorney-General as the leader of the Government in this Council take whatever steps are necessary to withdraw this directive and also regain possession of any lists or copies of lists that have been obtained by any of the organisations as a result of this directive?
2. Will he give a guarantee to this Council that no other such directive will be issued during the life of this Government and will he ensure, as the Senior Law Officer of this State, that the freedom of association concept outlined in the United Nations Charter is maintained for the people of this State?

The Hon. C.J. SUMNER: Unfortunately, the honourable member's question seems to proceed on something of a misunderstanding.

The Hon. L.H. Davis: It is not a misunderstanding; it has happened.

The Hon. C.J. SUMNER: A misconception, then, of what constitutes good industrial relations in this community. The Government's position is that there should be a policy of preference to unionists. That has been well stated, and often stated, by the Government and by the Labor Party over the years. The notion of preference to unionists is a position which has found its way into a number of industrial awards. That is basically the position, that there ought to be preference to unionists.

I will continue to argue that proposition. The reason for such a policy is, first, that to have good industrial relations between employers and employees it is important for employers to have representative associations of employees with whom to negotiate and discuss wages and conditions. The other important fact is that it is generally those citizens who are members of trade unions who take initiatives in relation to wages and working conditions. It is, I believe, not unreasonable for there to be some policy of preference given to unionists in the manner I have outlined. One could argue, I suppose (although the trade union movement in South Australia has not adopted this approach), that any benefits obtained by industrial organisations should only bind members of those organisations. However, there is a situation in South Australia where common rule applies to industrial law in such matters.

The Hon. L.H. Davis: Tell us where else it works.

The Hon. C.J. SUMNER: All I am indicating is that it is members of the work force who make a contribution to their union organisation and it is that organisation which makes out a case relating to their industrial and working conditions.

The Hon. L.H. Davis: Do you agree with that?

The Hon. C.J. SUMNER: That is a fact; that is what has happened. Unions in this State have not taken the view that those conditions won should not flow through to non-unionists. Nevertheless, I think that there are many people who feel that there is a sense of unfairness about that position and that, therefore, it is quite reasonable for a policy of preference to unionists to exist; it is a reasonable policy for the Government to adopt. That position has been adopted and it was in pursuance of that policy that the memorandum to which the honourable member referred was circulated.

The Hon. M.B. CAMERON: The Attorney-General has not answered my two questions. He has given a long dissertation on the background of this matter but has not answered my questions. They were: will he withdraw the present memorandum, and will he give a guarantee that no such other memorandum will be issued? I now have a third question, as well: does the preference to unionists concept put forward by the Government mean that any person applying for a higher position—a rise in status—in the Public Service from now on will be discriminated against if they are not an existing member of the union?

The Hon. C.J. SUMNER: The honourable member seems to attribute to me much greater power than I have in the Government. It is not for me to relate to the honourable member or to the Council whether I will take steps to withdraw the directions that have been given. That is not a matter that is within my power or authority. It is a somewhat hypothetical question.

The Hon. M.B. Cameron: Do you think it is a good idea?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In so far as the question that the honourable member has raised relates to me, I will attempt to obtain more information on the matter, subsequent to the full answer that I have already given to the question that was asked. I do not believe that the policy of preference to unionists would impinge on the situation that the honourable member raised in his final question. Should that not be the case, I will advise the honourable member.

NOARLUNGA POLYCLINIC

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Noarlunga polyclinic.

Leave granted.

The Hon. J.C. BURDETT: I understand that a survey is currently being undertaken in relation to the Noarlunga polyclinic. A display in the Colonnades shopping centre consists of a series of plastic boxes, each of which has an opening in the top. Shoppers are invited to place ping-pong balls in the boxes to indicate their priorities for the various areas of medical and paramedical treatment.

The Hon. L.H. Davis: Ping-pong balls are probably as light as is the Minister of Health.

The Hon. J.C. BURDETT: Probably. It is suggested that this is a serious survey with a view to ascertaining the views of the people of the area in relation to their priorities on various services offered.

The Hon. R.C. DeGaris: What if they cannot play ping pong?

The Hon. J.C. BURDETT: I am not sure about that. I am informed that one of the areas represented by boxes is, '24-hour, seven-day-a-week medical care without appointments; casualty and emergency services; ambulance on standby'. Other boxes relate to aged care, youth care, and a women's health centre. I understand (as one would expect) that a large number of children at the shopping centre delight in using the ping-pong balls.

The Hon. L.H. Davis: Perhaps the Minister of Health should be the Minister of Recreation and Sport.

The Hon. J.C. BURDETT: Maybe. I understand that children place the balls in the boxes indiscriminately, which, of course, will spoil the survey. I believe that the survey was set up by the South Australian Health Commission and I am also informed that, apparently, in conjunction with the display, a lottery is being conducted, whereby each 50c ticket buys a brick to build up a wall, and there is a substantial prize. Will the Minister say whether the commission is conducting this survey? Secondly, is the survey with the use of ping-pong balls regarded as a serious survey? Thirdly, will the Minister confirm, if a free-standing Noarlunga polyclinic emergency service is established, that there will be at least one competent medical registrar with back-up medical registrars and specialists (in particular, paediatricians and surgeons) and a 24-hour consultation service? Fourthly, who is running the lottery? Fifthly, is a 24-hour, seven-day-a-week medical care service without appointment really regarded as being practical?

The Hon. J.R. CORNWALL: The answer to the first question (whether the commission is running the display) is 'Yes'. The answer to the second question is that the survey is a serious attempt to get further community input. The honourable member has been grossly misled about the notion of putting ping-pong balls in boxes. It is a consultative arrangement, although I have not seen it. A very clear pattern is developing in the sort of services that people perceive that they need. An overwhelming bias exists, I was told late last evening, towards clinical services. The overwhelming indication coming up (and I grant that it is not a scientifically constructed survey and nobody suggested that it was, but one gets some indications) is that the big vote—the A.L.P. vote—is for a hospital. Clearly a desire exists in the community for a community hospital. There is no question about it. It is the only community in Australia of 65 000 people that does not have its own hospital. Much smaller communities have their own local hospitals, as the Hon. Mr DeGaris would know. If one wants to start a riot, one can talk about closing Blyth Hospital. It is only a short distance from Clare and has only a small number of beds. If one talks about rationalising a 12-bed hospital, one immediately gets community resistance. It is perfectly logical that the community wants a hospital facility.

The other emphasis certainly seems to be on clinical facilities and, on the initial indication, overwhelmingly so. I am certainly not going to get into the future health planning needs of Noarlunga based on a survey using ping-pong balls. However, the display was mounted and was quite an impressive one. The member for Mawson is attending—a further drawcard. The survey heightens community awareness; it aims to obtain some sort of input from the community generally as to what sort of services it believes ought to be the priority. It will certainly not be looked upon as a scientific survey. A steering committee will report by the end of the month or shortly after. It has had substantial community input—something like 47 submissions from community groups and individuals. That was to heighten awareness.

As to the third question on the polyclinic, the thinking at the moment, although it has not firmed up completely, is that the Noarlunga health village polyclinic (or whatever we call it) will provide a range of services. One of the services will be a 24-hour casualty service. We will be careful to stress (and I am thinking aloud in the consensus style which has become the hallmark of my administration) that it is our notion to run a 24-hour casualty service staffed by competent G.Ps. We do not, at this stage, pretend that it will be a full accident and emergency service as one would get at Flinders, Royal Adelaide or any of the major teaching hospitals. Without hospital backup it would be misleading to say that we would run a fully comprehensive accident and emergency service. That service will eventually go into place if and when Stage II—that is, the provision of 100 acute beds—is constructed.

It is my thinking at the moment that that would be the logical second stage. The polyclinic (the health clinic—call it what you will) is being designed and will be constructed with that in mind. I have had discussions with people in the area, particularly some of the local doctors, to canvass the idea of a recognised community hospital (if you want a model) with 100 beds, both private and public. If and when that happens—and it will certainly happen if I remain Minister of Health because I am so persuasive with my colleagues that they will see the logic of it, I am sure—we will supply a full accident emergency service. At that stage we would have to consider numbers of registrars or medical staff generally. My notion at the moment is that we will be running, on my information, a 24-hour casualty service staffed by competent G.P's.

With regard to the lottery, I must confess that I have not the slightest idea of who is running it, what it is being run for or anything else, but I will be delighted to find out and let the honourable member know forthwith.

The Hon. R.I. LUCAS: I wish to ask a supplementary question. Will the Minister undertake to provide to honourable members—I do not expect to get it now—the statistical reliability (to use a statistical term which may be unfamiliar to the Minister), the standard error and the respective confidence limits of that survey that he has indi-

cated and, secondly, will the results of that survey in any way be used in decision making for health services in the southern suburbs?

The Hon. J.R. CORNWALL: I think that that was intended to be gratuituously insulting. I am not unaware of statistical analyses and how they are done, although I do not classify myself as an expert in the field. I would go to someone like the Hon. Miss Levy if I wanted expert advice. Whether people will get into the business of analysing these statistics, I do not know. I have indicated to honourable members that obviously they would not be taken as a full-blown survey. I have not been able to check the accuracy or otherwise of the Hon. Mr Burdett's information that they are at a height at which kids will throw ping-pong balls at them. Of course, the steering committee, as I understand it, has gone about the business of surveying in a far more scientific way than that. Tony Radford, from the Flinders University, has been involved with the consultancy—

The Hon. R.I. Lucas: But will you provide the statistical reliability of that survey?

The Hon. J.R. CORNWALL: I do not think that the time and effort of processing them will be worth while. If anybody decides that it is worth while doing, I will do it, but I do not want to compromise my integrity in advance by giving the honourable member a spurious undertaking.

The Hon. J.C. BURDETT: Would the Minister answer the fifth question, namely, whether it is considered to be practicable to provide, as was written on one box, a 24-hour, seven-day-a-week medical care service without appointments and with casualty and emergency services and an ambulance on stand-by?

The Hon. J.R. CORNWALL: I have always made clear that I do not want to be in the business of duplicating existing services. If the Council wants some sort of indication of my thinking on that 24-hour, seven-day-a-week service without appointments, I would have to consider what specifically is being put up. But, there are adequate G.P. services in the area generally during the sort of hours in which people are likely to approach G.P's.

If we were looking at simple routine servicing of the community in terms of general practitioner services, I would not be very anxious or keen to expand or duplicate what already exists. It may well be practical. I do not think that there is any doubt in the world that, if we could get enough salaried G.P's to work the operation we could provide a 24-hour, seven-day-a-week service without appointments in the same way as in public hospital casualty areas. I do not envisage—

The Hon. Frank Blevins: Is it necessary?

The Hon. J.R. CORNWALL: That is exactly right. That is what consultation surveys are all about. I can give an undertaking that a casualty service will be available. I believe that that is an interim sort of arrangement until the time the poly-clinic opens at the end of 1985, which is the programme about which we are talking, until it becomes part of a complex which incorporates 100 acute care beds. At that stage I believe that it would be entirely practical to run a 24-hour accident and emergency service. I come back to the point that I made earlier: without the back-up of the 100-bed acute care hospital and all the things that go with it, including staff, it would be misleading to talk about providing a full A and E service in the style that Flinders or R.A.H. currently do.

CIVIL AND POLITICAL RIGHTS

The Hon. K.T. GRIFFIN: Do the Attorney-General and the Government support the United Nations International Covenant on Civil and Political Rights?

The Hon. C.J. SUMNER: I would have thought that that question was rather obvious. The International Covenant on Civil and Political Rights has been the subject of discussion within the Australian community for some years. I understand that it was ratified following the establishment by the Federal Government of the Human Rights Commission. The ratification followed lengthy consultation with the States, and that occurred over a long period.

Indeed, I was involved in some of those discussions in 1979, and I have no doubt that the Hon. Mr Griffin was involved in those discussions subsequently. In general terms, the Government supports that convention. Obviously, there were certain matters where the legislation of the States did not particularly measure up precisely to the ideals of the convention, but I understand that certain reservations were entered in relation to some aspects of the convention. Declarations were also made that Australia would move towards full implementation of the convention in those areas where there were difficulties.

One area where there was a difficulty involved the complete separation of juvenile offenders, for instance, from adult offenders. While that principle in South Australia is adhered to, there are some difficulties in country areas. As I understand it, another area of concern involved the separation of remand prisoners from convicted prisoners. That was an area where there was some need for reservation, as I understand it; I think it involved not specific reservation but a declaration that the States would move towards the implementation of those areas of the convention in which State laws were is conflict. So, the Government does support the convention and has done so for some time, but there are some practical difficulties that probably still exist in the law in South Australia in relation to the convention.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. In the light of that answer, does the Attorney not agree that the Government's policy on preference in employment for unionists and its memorandum No. 275 to all Permanent Heads and other mechanisms for implementing that policy are gross infringements and abuses of the international covenant and its requirement in regard to the right of freedom to associate or not to associate in trade unions?

The Hon. C.J. SUMNER: Obviously, I do not agree that the Government's actions conflict with the convention mentioned by the honourable member. Freedom of association is clearly an important right within a democracy. The Government, for the general reasons of principle that I outlined in response to the question asked by the Hon. Mr Cameron a moment ago, has a policy of preference to unionists. As I have said, the policy being implemented by the State Government is for preference to unionists.

HEALTH REGIONALISATION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about health regionalisation.

Leave granted.

The Hon. J.C. BURDETT: Yesterday, the Minister answered a question asked by the Hon. Mr Lucas about the implementation of various aspects of the Labor Party's health policy promulgated on 22 June 1982. During his reply, the Minister said:

> In regard to regional offices, I make it clear that we are not regionalising the Health Commission. Let me put that suggestion to rest for all time. We have no intention to do that. We are not putting in an extra layer of bureaucrats. That was not and never has been proposed.

I am concerned about that last sentence—'That was not and never has been proposed'. I point out that, although the Labor Party health policy proposed the abolition of sectorisation and the setting up of regionalisation, the health community pressured the Labor Party, particularly the Minister of Health, and that promise to abolish sectorisation and replace it with regionalisation was reversed, even before the last election. I am concerned about the Minister's statement that regionalisation was not and never has been proposed. I refer to page 4 of the Labor Party's health policy of 22 June 1982, as follows:

A Labor Government will therefore establish regional offices of the commission in key suburban and country areas throughout the State, using its existing staff and resources. Regional managers will be empowered and encouraged to consult with local communities and to make decisions at the local level.

Page 21 of that policy states:

Under the Liberals, the Health Commission has become centralised, bureaucratic and top heavy. It is impossible for the commission to provide an integrated, effective and accessible service within its present organisation and structure. It will remain inefficient while it is cloistered in the square mile of Adelaide. The present sector managers are primarily bureucratic flak catchers. A Labor Government will abolish sectorisation and establish regional offices of the Commission, using its existing staff and resources. The regional offices will be located in the eastern, western, northern and southern suburbs of Adelaide—

which appears to be contrary to the Minister's comment yesterday—

and in the major regions throughout the State. Within their defined areas of competence, regional managers will be empowered and encouraged to consult with local communities and to make decisions at the local level. This will eliminate many of the inordinate delays and lack of communication inherent in the existing organisation.

Does the Minister agree that the A.L.P. policy provided for the abolition of sectorisation and implementation of a fully developed regional system including the metropolitan area, even though that may have now been abandoned?

The Hon. J.R. CORNWALL: As everyone knows, I am a very open and honest politician. The simple answer is 'Yes'. I have modified that to the extent necessary. I thought I made myself clear yesterday. By and large, the present sectorisation set-up is working reasonably well. Eventually, I will table an internal review report, which was prepared by the commission. That report deals with a number of areas and was prepared by a subcommittee of the review committee set up by the Premier. That report has been completed and is in my possession.

By and large, that report acknowledges that sectorisation has worked fairly well, although, there are certainly some difficulties with it. One of the real difficulties with that system is, and always has been, that we tend to get three separate empires which tend to be guarded rather jealously by the sector directors. It is important that we have some sort of co-ordinating mechanism to provide on-going co-ordination and integration of a State service so that we do not finish up with three individual empires, each doing their own thing.

The committee has made certain recommendations and I intend to implement them in order substantially to tighten up the administration of the commission. That is not an implied hostile criticism of the way in which the commission is working. There is no doubt that the commission is working substantially better than it was two or three years ago. I am not concerned about freely acknowledging that fact; indeed, it would be foolish for me to do otherwise. Of course, it would also be foolish for me to try to pretend that I have never made a mistake (I recall quite well the other two that I have made over the past 30 years).

Sectorisation has to be modified. I cannot find anything in the Labor Party policy document and certainly nothing quoted from it by the honourable member that could lead anyone to believe that we would want to have regionalisation in the New South Wales fashion. The whole regionalisation set-up in New South Wales got out of control to the extent that, eventually, it had to be completely chopped up and they went back to having a Hospital Department. In South Australia, we have a commission that is working fairly well.

The Hon. M.B. Cameron: I thought that Jenny did a good job.

The Hon. J.R. CORNWALL: *Comme ci comme ca.* I think that the Chairman selected by the previous Minister did a good job.

The Hon. M.B. Cameron: I remember when you didn't like him.

The Hon. J.R. CORNWALL: I thought that he elected himself. He came down here for a glass of wine and I think he saw the job as a way of getting a trip. The next thing we knew he was in front of the field and did very well for himself. I am not grizzling about the present Chairman at all. Of course, he set up sectorisation, and it was well done. That is the reality.

The Hon. M.B. Cameron: Stop cavilling.

The Hon. J.R. CORNWALL: I am not cavilling about it. For goodness sake, Cameron, stop trying to play petty politics. It is worth repeating this as often as is required until members opposite get it through their heads—we will not fall for the New South Wales thimble and pea trick. There will not be an extra layer of bureaucrats. Regional managers, or whatever one likes to call them, will be appointed.

The Hon. M.B. Cameron: A presence.

The Hon. J.R. CORNWALL: Yes, a regional presence, which is my own expression (I rather like it; it has a certain ring to it.) There will be a regional presence at Mount Gambier, the Riverland and in Port Augusta. Those managers will come from the existing manpower resources of the commission. They will be given some secretarial support, which means that there will be about six people in those three areas. There is no point in having a regional presence if there is no discretion to make decisions at the local level. That will be done.

In addition, the sector directors and the other senior people will visit from time to time, as is the current situation. Generally, communication, which is by and large already in a relatively satisfactory situation, will be improved. An additional layer of bureaucrats will not be put into some major regionalisation programme. The policy document does not suggest that an additional layer would be put in. Having decided to fine tune it to the extent necessary, we will not be going to a major regionalisation.

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about the regional presence in the Health Commission.

Leave granted.

The Hon. R.I. LUCAS: The Minister, in response to a question yesterday, indicated (and reaffirmed this afternoon) that a career officer from the Health Commission would, initially, be stationed in the Mount Gambier, Riverland and Port Augusta areas. He also indicated, as he has today, that this regional presence would be supported by some secretarial assistance. In response to some prompting from this side of the Chamber as to what the regional presence would be responsible for, the Minister responded as follows:

. . . the prime role will be to do what we are charged to do under the South Australian Health Commission Act; that is, to co-ordinate and rationalise Health Commission services in that area.

He continued:

Primarily, they will assist in the establishment of area health boards.

Contrary to the Minister's assertions in his reply yesterday, there is genuine concern in the community about what this regional presence will do. The Minister may well say that that concern is unwarranted, but nevertheless that concern does exist. My questions to the Minister are:

1. What powers will the area health boards have and how will they relate in their function to present hospital boards?
2. What specific authority will the regional presence have to ensure or to achieve rationalisation of Health Commission services in the area as the Minister indicated yesterday?
3. Will all Health Commission services be open to rationalisation?
4. Will the Minister write immediately to all hospitals, local government councils and other interested health bodies and advise them of the nature of this regional presence and the role and powers of such a presence?

The Hon. J.R. CORNWALL: I am reeling under this hostile and systematic attack today. I point out to the honourable member (and to any other honourable member who cares to read the Health Commission Act) that right at the beginning of the Act it is spelt out in exactly the words I used yesterday that the Health Commission will have the task of co-ordination and rationalisation of health services in South Australia. That is close to verbatim, and certainly the words 'co-ordination' and 'rationalisation' are correct. 'Rationalisation' is a word that I have avoided using since becoming Minister because it was used badly and in the worst possible sense by the previous Administration and particularly by my predecessor.

When I became Minister, I found that the health services were traumatised. 'Rationalisation' had become synonymous with 'cut and slash', and the health services in many areas had been decimated. I have deliberately avoided using the word 'rationalisation'. In fact, many officers in the commission would inform honourable members that I tell them often, and as frequently as I can, that I regard 'rationalisation' as being a dirty word. Therefore, I am sorry that I used it in public yesterday.

The Hon. R.I. Lucas: Does it still mean 'cut and slash'?

The Hon. J.R. CORNWALL: It certainly does not. The Hon. Mr Lucas might be interested to know that, on the most recent figures available, one of the major undertakings we gave has already been met—that is, that staff levels at our health units and particularly in our hospitals have been restored to and are holding at about the June 1982 level.

Members will recall that we talked about my returning staff levels to those of 1 July 1982, and I am pleased to say that in less than five months we have met that commitment. That is certainly not synonymous with cutting and slashing. It is one thing to talk of efficiency, but another to continually cut the health services until they hurt while selling that as a virtue. That was a basic and fundamental error that the previous Administration made in the health area. I certainly do not intend to fall for that three-card trick.

I am pleased that the honourable member has raised the question of area health boards. I am spreading this message whenever I get a chance to get out into the field and talk to hospital boards or anybody involved with health administration, not only in the metropolitan area but also, more particularly, in country areas. Last Friday, for example, I did a circular tour taking in Mount Barker, Strathalbyn, Victor Harbor and McLaren Vale hospitals. I gave them all the same message—I was completely consistent. Ultimately, I would like to see (and I have said this publicly many times) a hospitals board rather than hospital boards. I would certainly like to see area health boards with committees of management running the various health units in any particular area. If one were to take Mount Gambier or the Lower South-East as an example, I would like to see an area health board with a committee of management running the Mount Gambier, Millicent, Naracoorte and Penola hospitals.

The Hon. R.I. Lucas: Area boards with ultimate decision-making powers?

The Hon. J.R. CORNWALL: Nobody has ultimate decision-making powers, as I continue to say as I go about the countryside. Nobody has autonomy, not even the Minister of Health, so in terms of authority, autonomy, and so forth, 'No'. I am glad that the honourable member made that interjection because it relates to a matter that I have chosen to raise in the public arena quite deliberately, rationally and intelligently, as an intellectual exercise, if one likes.

There has been too much concentration in the past three years on this much vaunted economy. What one has, particularly under deficit funding, is substantial independence. However, one cannot have autonomy in the literal sense of the word. An area health board will not have autonomy any more than a hospital board has it, or the South Australian Health Commission has it. There may be a few people left in the commission who still think that they can take the word 'autonomy' literally, but one cannot do so at any of those levels because there is a degree of accountability.

There is a degree of accountability in the Westminster system, so one does not have autonomy in the literal sense. Each of these envisaged area health boards will grow in an evolutionary way. They will not be imposed on anybody. I have no proposals to amend legislation to force these changes. We will do this, I hope, in a spirit of co-operation.

If people do not want to opt in initially, I am not in the business of trying to hit them about the head to force them to do so. I am sure that we have a fair amount of goodwill out there in the community and that we will do this initially, I hope, on a proof of concept basis, if you like. I should think that Port Augusta would be an ideal area in which to set up an area health board, have a hospital committee and have a working relationship with the Royal Flying Doctor Service to put a community health service into the area in partnership with the local council. This is entirely consistent with what I have been saying from one end of the State to the other, and I am pleased that the honourable member has given me the opportunity to raise it again here today.

Regarding the Hon. Mr Lucas's question about writing to all councils, hospitals, and so on, I do not think that the policy is sufficiently advanced to be able to set out in absolute black and white terms two pages or 15 points saying 'This is what thou shalt do.' I think that that would be counter-productive and at this stage I have no intention of issuing something that may look like a directive. I will talk to all councils that I can get together in my busy schedule over the next 12 months as well as to all the hospital boards that I can possibly get to talk to. This is happening reasonably rapidly.

I will certainly meet a lot more councils during the recess, and I will be able to consider the policy as I go. I want to make absolutely clear that discussions with the various health boards and other bodies that I meet in this way will be developed in an evolutionary and consensus style.

BUSHFIRE RELIEF

The Hon. ANNE LEVY: I seek leave to make a very brief statement before asking the Minister of Agriculture a question about bushfire relief.

Leave granted.

The Hon. ANNE LEVY: Following the disastrous bushfires, primary producers are able to make applications to the Department of Agriculture for relief funds (as everyone

knows). Carry-on loans are also available to primary producers to a ceiling of $70 000. I understand that there have been a number of criticisms that that $70 000 ceiling is inadequate. Will the Minister say whether the ceiling of $70 000 for carry-on loans has caused problems? What is the state of play regarding applications from primary producers for bushfire relief?

The Hon. B.A. CHATTERTON: I have been surprised at what I consider to be the relatively small number of applications that have come forward from bushfire victims for carry-on loans, when one considers the very large scale of the disaster and the many people who were affected. As at Monday this week, fewer than 100 applications for carry-on loans from bushfire victims had been received. The $70 000 limit that was imposed in regard to the Ash Wednesday fires (and that is a special provision, because the normal limit for carry-on loans is $40 000) was not only in relation to the carry-on requirements of the primary producers but also in relation to restocking and capital assets. There was some criticism that that $70 000 limit would not be sufficient to cover all those requirements.

I am not sure what the final situation will be, but in regard to those applications that have been assessed so far, only one applicant had a requirement for over $70 000, and we have been able to provide assistance to that applicant through the rural adjustment scheme. Under the rural adjustment scheme there are provisions relating to farm improvement, and those provisions have been used to assist the applicant who required more than $70 000 to restore the assets on his property. Undoubtedly, when the other 97 or so applications are processed, more applicants will require an additional sum but, if the numbers are running at the same rate as at present, there is a reasonable chance that we will be able to fill the requirements within the provisions of the rural adjustment scheme.

The Hon. M.B. Cameron: There is still a problem in regard to the deadline of 30 May. A number of people will not be able to fulfil the requirements, as they have not been able to survey the whole situation.

The Hon. B.A. CHATTERTON: There is a deadline of 15 May by which time people must submit applications. The Department of Agriculture has been providing assistance to people in regard to applications.

The Hon. M.B. Cameron: Even some of your officers will admit that there are difficulties.

The Hon. B.A. CHATTERTON: In fact, the Department of Agriculture recommended that that period would be sufficient. The matter was also discussed with rural organisations. We then established a cut-off time by which people must submit applications, and we feel that that requirement can be met. We will certainly provide every assistance to people who have difficulties. We have established departmental offices in the major bushfire areas, and we have made plain to people that the staff in those offices will assist with applications.

SURROGATE MOTHERS

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General a question about an article in the *Advertiser* on surrogate mothers.

Leave granted.

The Hon. R.C. DeGARIS: An article in the *Advertiser* today stated that the British Law Society made a statement that women who offer to have babies for other people in return for payment should be treated as criminals. It was also reported that a company is preparing to set up business in Britain charging $28 000 for babies born to other women. The British Law Society Family Law Committee gave evidence to a statutory inquiry committee that any contract for natural insemination by a man or a woman is almost certainly illegal.

Of course, this report is only one aspect of rapidly changing medical technology in this extremely complex area, and I referred to this matter previously. Did the Attorney-General see the article? Does the opinion of the British Law Society in any way apply to South Australia? Does the Government agree that the commercialisation of surrogate mothers, in particular, is offensive and should be outlawed in South Australia?

The Hon. C.J. SUMNER: I believe it is important that honourable members realise that the Hon. Mr DeGaris drew this matter to my attention; he did not indicate that in his question. Clearly, the question of surrogate mothers involves complex ethical and moral issues, which may have to be addressed in this State. However, as the honourable member has been good enough to draw this matter to my attention, I will have the matter looked into and I will bring back a report.

ABATTOIRS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about South-East abattoirs.

Leave granted.

The Hon. M.B. CAMERON: The Minister would be aware of the matter I raised in relation to S.E. Meat at Naracoorte and the fact that the Naracoorte abattoirs appear to have charged a rather large penalty fee. I understand that today a statement was made over radio in the South-East by the Manager of the abattoirs which indicated that the reason for the penalty rates being charged was that the stock were killed on the week-end. He also stated that owners were warned that penalty fees would be applied.

My information is that the 189 lambs to which I referred and which brought $1.05 because of the penalty fees that were applied, apart from the argument whether the price per head that was paid was proper, were, in fact, killed on a Thursday. I do not know of any penalty fee that could be applied other than on a week-end. Secondly, I am also informed that no person, no farmer, and no stock agent who made the arrangement with the abattoir for the receival of stock (according to the information with which I have been provided) was notified of the penalty fee. Will the Minister take into account these two matters in his investigations to ensure that the truth is finally arrived at?

The Hon. B.A. CHATTERTON: I thank the honourable member for providing additional information on the question he asked yesterday. Certainly, that information will be taken into account by the Department of Agriculture during its investigations.

HIGH COURT PROCEEDINGS

The Hon. K.T. GRIFFIN: Has the Attorney-General an answer to my question of 19 April on High Court proceedings?

The Hon. C.J. SUMNER: No notice under section 78B of the Commonwealth Judiciary Act has been given to me. No such notice is required by that section as it relates to 'causes pending in a Federal court other than the High Court or in a court of a State or Territory' involving 'a matter arising under the Constitution or involving its interpretation'.

STATUTES AMENDMENT (WHEAT AND BARLEY RESEARCH) BILL

The Hon. B.A. CHATTERTON (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Marketing Act, 1980; and to amend the Barley Marketing Act, 1947-1980. Read a first time.

The Hon. B.A. CHATTERTON: I move:

That this Bill be now read a second time.

It provides for the collection of wheat and barley research funds additional to those raised and distributed by the Commonwealth and has been sought for some time by the United Farmers and Stockowners of S.A. Incorporated. The measure has widespread support within the grain section of that organisation, which strongly argues that it is not possible to sustain appropriate levels of research into South Australia's principal grain crops under the existing funding arrangements. Evidence supporting that argument may be found in the barley research trust fund which already is displaying signs of financial difficulty and undoubtedly will require an early injection of extra moneys.

It provides for payments to be made by the Australian Wheat Board and the Australian Barley Board into the respective cereal research trust funds. These payments will be deducted from growers' returns and each grower will be presumed to have agreed to the arrangement unless he or she gives written notice to the contrary. These proposals will have no direct effect on the State's revenue but the Department of Agriculture, along with Roseworthy Agricultural College and Waite Agricultural Research Institute, will be able to apply for funds from the relevant research committee to undertake research work.

Such committees already have been established in each State under the Wheat Research Act 1957 and the Barley Research Act 1980 of the Commonwealth and it is considered both feasible and appropriate that the committees established for this State should administer the additional funds raised under this Bill. However, it is additionally proposed, in the interests of wheat and barley growers, that there be two three-member committees, one representative of wheat growers and the other representative of barley growers, whose function it will be to recommend to the Minister the appropriate deduction from crop proceeds each season. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation but that the operation of specific provisions may be suspended by the proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides the new citation for the Wheat Marketing Act as it would be affected by the enactment of this measure.

Clause 5 inserts in the Wheat Marketing Act a new section 28a. This proposed new section provides at subclause (1) that where the Australian Wheat Board (which was established under the Wheat Marketing Act 1979 of the Commonwealth) acquires wheat of a season from any grower, a payment of the prescribed amount shall, with the consent of the grower, be made for wheat research purposes out of the moneys payable to the grower by the board for that wheat. The prescribed amount is defined by subclause (11) to be the amount obtained by multiplying the number of tonnes of wheat of the season acquired by the board from the particular grower in question by the prescribed rate for the season. 'Prescribed rate is defined by subclause (11) to mean the rate fixed by the Minister by notice published in the *Gazette* pursuant to subclause (10). The rate is, by virtue of subclause (10), to be fixed by the Minister upon the recommendation of a three-member committee appointed by the Minister under subclause (8) to represent the interests of persons engaged in the wheat industry. Subclause (2) provides that the payment for wheat research purposes is to be made by the board to the Minister who is, subject to subclause (3), to pay it to the Commonwealth Government for payment into the Wheat Research Trust Account established under the Wheat Research Act 1957 of the Commonwealth.

Subclause (3) provides that the board is to be entitled to presume that each grower from whom it acquires wheat of a season has consented to the making of the payment, but that, where any such grower indicates to the Minister, by notice in writing given during the month specified in the definition of 'prescribed period' in subclause (11) in relation to the particular season, that he does not consent to the payment, then the Minister is to pay the prescribed amount to the grower out of the moneys that he (the Minister) has received from the board under this provision. Subclause (4) provides that the Minister may bank or otherwise invest the moneys pending their payment to the Commonwealth or to those growers who do not wish to contribute to wheat research and have exercised the right under subclause (3) to opt out.

Subclause (5) provides that moneys earned through the investment of moneys referred to in subclause (4) shall be paid to the Commonwealth for payment into the Wheat Research Trust Account. Subclause (6) provides that payments made by the Minister to the Commonwealth under this provision are to be made upon the condition that the moneys are expended in South Australia. This provision links up with sections 6 and 7 of the Commonwealth Wheat Research Act, which provide for the establishment of separate wheat research accounts for each State and require amounts paid upon such a condition to be paid into the account for the particular State and for the account to be applied only in research expenditure in that State. Subclause (7) provides for the keeping of accounts by the Minister and for such accounts to be audited by the Auditor-General. Finally, subclause (12) provides that the new section is to apply to all wheat of the 1982-83 season of each subsequent season.

Clause 6 makes provision for a new citation for the Barley Marketing Act. Clause 7 provides for the insertion in the Barley Marketing Act of a new section 19a. This proposed new section corresponds exactly to the proposed new section of the Wheat Marketing Act explained above apart from necessary changes so that it applies to barley instead of wheat. As with wheat, there is a Commonwealth Act relating to research, the Barley Research Act 1980 of the Commonwealth, which corresponds almost exactly to the Wheat Research Act of the Commonwealth. This new section is also to apply to the 1982-83 season and subsequent seasons.

The Hon. H.P.K. DUNN secured the adjournment of the debate.

DENTISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 914.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill on the understanding that the step allows various amendments to be considered in Committee. I have a number of fundamental objections to this Bill, but before I proceed to outline my concerns I feel obliged, after last

night's debate, to declare that I am not a dentist or a dental technician, nor are any of my family and my relations.

I find it difficult to accept why this Government, indeed any Government, should feel moved to legitimise the activities of anyone (in this case, dental technicians) who have been practising illegally and have been doing so quite blatantly over a number of years. I find it equally difficult to accept the arbitrary conditions the Government has determined for selecting those dental technicians who could qualify under this Bill for chairside status, while excluding others who have not been practising illegally for so long or for so much personal gain, but may well be better at fitting dentures.

Moreover, I find it difficult to accept why we need to register any more people in this State to fit dentures. The arguments used by the Hon. Anne Levy, in speaking against an amendment to be moved by the Hon. Lance Milne which would allow even more technicians to gain chairside status over and above the 'grandfathers', could be applied with equal force and credibility against this Bill as it stands.

It is true that the market for dentures is contracting because more people are retaining their teeth for longer due to greater dental awareness, the success of preventative dentistry measures and fluoridation of the water supply; that the pensioner dental scheme introduced by the former Government is working well and has virtually eliminated the hospital waiting list; and that we have in South Australia more dentists per head of population than any other State and we have a number of last year's graduates, trained at considerable expense to the taxpayer who are unemployed at the present time.

I accept that the Government was faced with a most difficult problem. It has chosen to tackle the problem by offering chairside status to a select few dental technicians rather than encouraging their prosecution for their illegal acts. It is not the option I favour, although the fact that there have been few prosecutions in this State in the past has not helped ease the dilemma faced by many members of this Council when considering the merits of this Bill.

The Hon. Ren DeGaris raised the question last night as to whether the Government would have opted for the course adopted in this Bill if those breaking the law were medical practitioners or veterinary surgeons. It is a pertinent question and I suggest that the answer would be 'No'. The select few who will benefit by this Bill have been persistent and clearly most effective lobbyists. The Government has bowed to their pressure and, as suggested by Dr D.C Loader in the last edition of the Australian Dental Association *News Bulletin*, has introduced this measure for political, not public health, reasons. I believe this Bill is unnecessary and in its present form unacceptable. If we are to agree, however, to the Government's wish that the 'grandfathers' be given the opportunity to gain chairside status, we must be reassured for the sake of their patients' welfare that the 'grandfathers' will be equally effective and skilled as practitioners.

Most denture patients are aged people and many have underlying medical problems which have a direct influence on the provision of dentures. Other oral problems (for example, cancer) have been detected by dentists when patients have presented themselves for dentures. I believe that there should be an absolute prohibition on technicians supplying partial dentures because of the medical complications of putting artificial teeth into a mouth with living teeth. To protect the public further, we must insist on high standards of clinical training, and I therefore believe that the amendment to be moved by the Hon. John Burdett, requiring that technicians complete a prescribed course before gaining chairside status, is an absolutely vital measure. I believe most strongly, also, in the amendment to be moved by the Hon. Lance Milne that the certificate should be issued by a para-dental committee under the auspices of the Dental Board. The 'grandfathers' should not be permitted to practise legally simply at the whim of the Minister.

Unlike experiences related by members earlier in this debate, I am aware from advice given to me by dentists and by a number of persons who have had dentures fitted by dental technicians that problems have been encountered in connection with ill-fitting dentures supplied direct from technicians. The individuals in each case have had no legal redress, and what was considered initially to be a cheaper option became a very expensive one.

The dental technicians who have been pushing for a passage of this Bill have been claiming vigorously that they will be able to provide their service at a more competitive rate than qualified dentists. Certainly, the technicians dealing direct with the public at present are charging lower prices, though not radically lower, than dentists. However, where technicians have been registered in other Australian States and in a very few places overseas, experience has shown that once registered they have raised their prices due to general overheads and the requirement that they install proper hygienic surgery facilities.

While on the subject of interstate and overseas experience, I wish to ask the Minister the following questions: is the Minister aware that in each case where the technicians have been legalised they have not been satisfied and have continued to pressure for an extension of responsibilities? Will the Minister give this Council a guarantee that if the 'grandfathers' are allowed to practice legally he will not again succumb to the pressure of these lobbyists to extend their responsibilities beyond those which are defined in the Bill? Finally, is the Minister aware that the licensing of technicians in other States has not ceased illegal practice and that in Victoria, for instance, illegal practice is now greater in extent and more blatant since technicians were licensed 10 years ago? I support the second reading of this Bill rather reluctantly, but do so, as I indicated at the outset, on the understanding that this step allows various amendments to be considered in Committee.

The Hon. R.I. LUCAS: I did not intend speaking in this debate until I heard the contribution from a certain member of this Council last evening. Before addressing that member's contribution to this debate, I would like to make a few brief comments about the Bill. I oppose completely the present intention of the Government's Bill. I believe that it is highly improper that the Minister intends to recognise and legalise 15 or 16 dental technicians with no formal training who have been operating contrary to the law of the State over previous years. Such a proposal is discriminatory in its application, does not seek to apply any standards to the activities of those people and, as a result, washes its hands of any attempt to care for the individual health consumer. I certainly believe that the best interests of the individual health consumer ought to be paramount in our consideration of this proposal.

Whilst opposing this Bill, I do not close my mind completely to the possibility of suitably trained and regulated dental prosthetists operating in South Australia as long as the standards are maintained and the best interests of the consumer are protected. I do not believe that Governments should automatically act to protect the existing professions by preventing the emergence of new, suitably trained and regulated professions. If an overwhelming case can be made for such a change then the existing professions will just have to compete in the marketplace. However, I once again stress my emphasis on suitably trained and regulated professions and the need for the best interests of the consumer to be protected. So, in general, I would support the investigation and consideration of most of the proposals that have been mooted by the Hon. Mr Milne and the Hon. Mr Burdett to

achieve such a situation and to see whether such a situation is achievable here in South Australia. I now return to the contribution to which I referred, made by one member last night. In relation to standards, the member said—

An honourable member: Are you worried about libel laws?

The Hon. R.I. LUCAS: I am not worried about libel laws at all. I quote:

The question of standards, which the Hon. Mr Milne raised, can be regarded as an irrelevant matter in the circumstances. It would be a development only if we were going to train dental technicians to have chairside status for ever and a day.

The Hon. Anne Levy: I have corrected the *Hansard* proof.

The Hon. R.I. LUCAS: The honourable member indicates that the *Hansard* proof from which I am reading has been corrected. I will be interested to see the exact nature of the correction because the substance of what the honourable member said last evening I am sure would not have been changed. I quote:

However, we are merely legitimising something that has been occurring among a small group of dental technicians for some time.

There was an interjection from the Hon. R.I. Lucas:

How can standards be irrelevant?

The member responded:

I say that they are irrelevant in this case because we are legitimising the actions of a small group of people who have been operating, anyway. So far as I know, there have been no cries of people being badly treated by these technicians, cries for great remedial treatment as a result of their activities, or statements that this group does not have a fair standard of operation. These people have been undertaking their activities for some time and, because of that, we know what their standards are. This legislation will only legitimise the actions of people engaged in this activity—people that we know have been engaged in these activities, anyway.

Frankly, I find that attitude extremely disturbing coming from a member of this Chamber. Surely the question of proper standards must be paramount.

Members interjecting:

The PRESIDENT: Order! We are not making much progress. The Hon. Mr Lucas should continue and take little notice of interjections.

The Hon. R.I. LUCAS: The question of proper standards in our consideration of this measure must surely be paramount in the best interests of the health consumer. I agree that there are many problems in determining what the appropriate standards ought to be. I refer to the Australian Dental Association *News Bulletin* and an interview with Dr D.C. Loader, who is described as a long-standing member of the Advanced Dental Technicians Board in Victoria and inaugural lecturer in the denturist training course conducted by the Royal Melbourne Institute of Technology. The report sets out the questions asked of Dr Loader and his replies, as follows:

Q. What qualifications are required for licensure as a denturist in the various States?

Ans. The lack of properly specified requirements for registration and the difficulty of implementing or upgrading courses have been major problems encountered first in Tasmania, then in Victoria, and now in New South Wales. Initially in the three States, no qualification was required for registration, this being granted by a grandfather clause in the legislation which permitted technicians to sit for examination without formal training.

The first examiner appointed for Tasmania was so appalled by the standard of technicians presenting, that he refused to pass any candidates. I have been told that the Government, determined to have some candidates passed, said to the late Alan Greenwood that either he lowered the standard and passed the technicians, or they would license all the candidates. He refused to approve low standards and was replaced as an examiner.

In Victoria, no qualification in clinical training was required. The grandfather clause said that any technician of 10 years standing could apply for examination without training. When only 17 of the 170 applicants were successful at the examination to the standard unanimously agreed upon by dentists and technicians on the Denturist Board, politicians of all Parties in the Parliament said this number was unacceptable and new examinations should be set.

The Government suggested that, unless sufficient numbers passed, the Act would be amended to enable almost anyone to be licensed. It appears to me that the examiners responded to this threat and succumbed by a lowering of standards, rather than have no standard at all. I believe it would have been better to insist on the standard agreed to and force the Government to lower standards if it was prepared to do so.

In New South Wales, 312 technicians have been licensed without any clinical qualification under a grandfather clause, after a minimal oral examination conducted by persons without formal clinical training. If what has been reported as occurring at these examinations is correct, it can only be regarded as a disgraceful charade.

Q. Does the association consider the training courses to be adequate?

Ans. Since the course in New South Wales is in its infancy, the A.D.A. cannot comment on its adequacy. The so-called course in Tasmania is totally unacceptable for full dentures, and is non-existent for partial dentures, yet it has not been updated significantly since 1958. The notes to which the written examination have been limited are such that, in my opinion, any intelligent 15 year old could pass the exam with three weeks study.

In Victoria, a suitable course for full dentures has been instituted at the Royal Dental Hospital. Two major problems which have arisen have been the low educational standard of many of the persons in the course, and the poor standard of laboratory procedures of some technicians. It is to the credit of those conducting the course that they have been sympathetic and helpful by instituting training in laboratory procedures and by personal guidance with study plans. The A.D.A. considers that where Governments have enacted legislation for denturism, uniform courses of training should be instituted of proper standard to protect the public. These standards should be maintained regardless of the candidates' ability to pass such courses. As I indicated earlier, the association has taken the trouble to develop a realistic curriculum for such training.

Q. The policies of the new South Australian Government include a commitment to register experienced technicians to supply dentures directly to the public as dental prosthetists—are we likely to see licensure provisions in other States in the near future?

Amongst other things, Dr Loader stated:

I do not understand how a Government committed to training for licensure in most disciplines can approve granting of a licence in a health field to persons untrained and uneducated in this discipline.

Clearly, if such a proposal for dental technicians is to proceed, then not only must the appropriate standards be set initially, but clearly the Government must ensure that those standards are maintained and not watered down if a particular individual cannot meet or comply with those appropriate standards that have been set. Let me conclude by saying that I oppose strongly the Bill in its present form. However, I will support any move for further consideration of the proposals that have been indicated by the Hon. Mr Milne and the Hon. Mr Burdett for further consideration of the Bill by a select committee.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions to this debate. This is a very vexed area, an area with which I have been forced to grapple since shortly after I was elected to this Parliament in 1975. At that time an inquiry was conducted by the Caucus health committee of the then Government. The one thing that one learns about when one inquires long enough in this area is a state of confusion.

The position in the 1970s was that a group of technicians were looking for registration; they were looking for registration in the total sense; they wanted to have a board set up; they wanted their own Act; and they wanted full professional registration. The reason advanced was that there was substantial public demand and that the technicians could be trained, with little further training, to be clinically competent to deal at chairside with patients and, on economic grounds, they said that they could provide artificial dentures at a substantially cheaper price than could be provided by dentists.

In fact, in 1979, on the day that Parliament was prorogued, the then Minister of Health (Hon. Peter Duncan) had a Bill in his bag that he was going to introduce in Parliament on that very day. Under that proposed legislation we would have set up a registration board and given dental technicians their own Act. We would have upgraded standards of training for the dental technicians qualifications, which would have enabled them to make artificial dentures, crown and bridge work and prosthetics generally, and there would have been a further category of clinical dental technicians.

That qualification would have been granted following further training. The advanced training would been undertaken under the grandfather clause arrangements by those dental technicians who are already qualified in the generally accepted sense of the term (in other words, all dental mechanics). Whether they were dealing with the public illegally at that time or working in a laboratory situation, they could have opted to take the advanced course to obtain their qualifications as clinical dental technicians and deal direct with the public.

Several estimates made at that time are interesting to reflect on now that we are nearly four years further down the track. For example, it was estimated that the immediate capital and recurrent costs of setting up that course in the first 12 months would have amounted to about $500 000. It was also estimated that, under the grandfather arrangements and with the advanced training (plus the fact that we would have been training people from scratch), we had the potential to register 120 clinical dental technicians in the first three years. There may well be reason to believe that that number has not changed.

When that is considered along with the fact that, as the Hon. Miss Laidlaw accurately stated, there would be a substantial over-supply of dental manpower, it was my contention in the 1982 pre-election situation that to give undertakings to proceed with the 1979 Labor Government proposed legislation would have been disastrous.

I believe that, if we register 120 clinical dental technicians, either they will go broke or many dentists will go broke. Therefore, I was not prepared to give that undertaking. Nor was I prepared at that time to recommend to my Leader that we ought to spend $500 000 in the first 12 months. Frankly, that could have only contributed to what might have been a potentially disastrous over-supply of dentists and clinical dental technicians. As the Hon. Mr Milne knows (because I have confided this to him privately), I found myself in a substantial bind.

At that time, the only way in which I could attempt to overcome that situation was to introduce a simple piece of legislation to amend the Dentists Act to allow the exemption or the gazettal of those people who were currently earning a substantial part of their income from practising chairside. It might well be said that that would make legal tomorrow what has been illegal for more than 50 years. Despite all the hypothetical and clinical evidence advanced by opponents, the reality is that we received few, if any, complaints about the current operations of the technicians who are popping dentures into people's mouths, whether it was occurring on Tapleys Hill Road on a full-time basis or in garages on week-ends.

The Hon. Diana Laidlaw: The examples I gave referred to people who had had a bad experience.

The Hon. J.R. CORNWALL: That is extraordinary! Traditionally, South Australians are not backward in complaining to the Minister of Health. That seems to be a tradition that has grown up in South Australia in recent decades.

The Hon. R.I. Lucas: You may have scared them off.

The Hon. J.R. CORNWALL: No, we still receive plenty of complaints. We receive complaints right across the board against individual doctors, hospitals and community health centres. On investigation, many of those complaints prove to be spurious. I receive many complaints about the state of the public toilets at the Royal Adelaide Hospital, which proves that people are not backward in coming forward to complain.

The Hon. J.C. Burdett: We are dealing with illegal operations.

The Hon. J.R. CORNWALL: Certainly, the public toilets at the Royal Adelaide Hospital are a legal operation. I accept that people have a right to complain. If that example can be used as some sort of yardstick, I believe that, by and large, patients receive a reasonable degree of satisfaction. Like the Hon. Mr Lucas, I reject the notion of total professional exclusivity. I interjected yesterday and pointed out that, if professional exclusivity was carried to its logical conclusion, farmers and graziers could be stopped from marking their lambs, and that practice would have to be done by a registered veterinary surgeon with five years training. Clearly, that situation would be absurd.

Certainly, the various professions must provide a whole range of services that can be competently delivered only by persons with adequate training. If we continue down the line of professional exclusivity, we can eventually produce ridiculous arguments. I believe that there is some argument that technicians can adequately supply and fit dentures, and it was because of that that I proposed this legislation. I had given certain technicians an undertaking that I regarded this as an interim measure. I also gave an undertaking in 1979 that, if I was still Minister of Health or if the Bannon Government was re-elected in three years time, there would be a further review.

It became obvious to me after this Bill was introduced that the technicians group has about five different heads. One can deal with Howard Harris and his lot or with Mr Burton and his lot. There are any number of technicians who agree to disagree on almost any subject that is raised with them. However, they all agree that they would like to return to the situation that prevailed in 1979. Quite frankly, for the reasons that I have outlined, that is unacceptable to the Government. However, as an Upper House that sometimes examines these things in a somewhat more detached manner than our colleagues in the true people's House, I think that we have an opportunity to look at these matters in a rational and detached fashion. For that reason, I am attracted to the idea that the resolution of this problem may well lie with referring this Bill to a select committee.

I indicate at this stage that all the foreshadowed amendments present some difficulty. Most certainly, I am not able to accept all of them on behalf of the Government. I hope that we can reach a satisfactory compromise. Certainly, a select committee will provide a forum for all the people in this vexed area to trot out their arguments yet again: democracy will be seen to be rampant. For that reason, I will move that this Bill be referred to a select committee.

Bill read a second time.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the Bill be referred to a select committee and that the members of the committee be the Hons G.L. Bruce, J.C. Burdett, J.R. Cornwall, Diana Laidlaw, Anne Levy, and K.L. Milne; that the quorum of members necessary to be present at all meetings of the select committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the select committee to have a deliberative vote only.

Motion carried.

The Hon. J.R. CORNWALL: I move:

That the select committee have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on 28 July.

The Hon. J.C. BURDETT: I am prepared, with some reservations, to support the motion for a select committee.

As I said in my second reading speech, I conducted extensive consultations with dentists, various categories of technicians, proprietors of laboratories, and other persons, both professional bodies and individuals. I felt that, as a result of those consultations—

The ACTING PRESIDENT: The honourable member is now speaking to the motion that the committee have power to send for persons, papers and records, to adjourn from place to place, and to report on 28 July.

The Hon. J.C. BURDETT: I think that what I am saying relates back to the motion for a select committee.

The ACTING PRESIDENT: The honourable member is firing a broad gun.

The Hon. J.C. BURDETT: While I support the motion and the whole concept of a select committee, I think that it would have been better not to have this legislation at all than to have it in its present form. I consider that consultations that have been conducted have been adequate. However, if the Minister wants still more consultation in the form of a select committee, I am not opposed to it, and those further matters can be discussed before that select committee.

Motion carried.

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

That it be an instruction to the select committee on the Dentists Act Amendment Bill that it have power to consider amendments to the principal Act relating to:

(a) increased penalties;

(b) the provision of dental prosthetists and registered dentists to operate through registered companies;

(c) the provision of a system of registration of dental prosthetists, dental laboratories and dental technicians; and

(d) the establishment of a para-dental committee of the Dental Board.

Motion carried.

LOCAL GOVERNMENT BOUNDARIES OF THE DISTRICT COUNCIL OF MEADOWS

Consideration of the House of Assembly's address recommended by the Select Committee on Local Government Boundaries of the District Council of Meadows in which the House of Assembly requested the concurrence of the Legislative Council.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the address be agreed to.

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

Leave granted.

Explanation of Motion

The move by the Minister of Local Government for a select committee on this subject had followed a progression of events in the rural areas of the district council area over the past three years. Much of these events involved the deliberations of the previous Minister of Local Government. In September 1980 a residents committee was formed to explore the possibility of the rural portion of the District Council of Meadows breaking away to form its own separate council leaving the urban areas to regroup and form a new council of 20 000 persons. The grounds for this argument rested in the assumption that rural/urban tensions in the council would dissipate and the rural area would be much better off.

A series of public meetings were held and in January 1981 some 70 per cent of electors from the District Council of Meadows formally petitioned to have severed from the area essentially that rural portion to form a new rural council tentatively described as the District Council of Kondoparinga. The Local Government Advisory Commission investigated this matter and in reporting to the then Minister of Local Government recommended against the secession and suggested that there was room for reorganisation of the boundaries of the District Council of Meadows but that it should not be considered in isolation from the surrounding local government areas.

On 10 May 1982 Cabinet accepted the then Minister's recommendation that His Excellency the Governor be advised not to grant the prayer of the petition. However, the recommendation was not forwarded to Executive Council for action. On taking office the present Government moved quickly to settle this matter. I might add that the situation had created an unsettling effect on the residents and staff of the District Council of Meadows. The petition was rejected in Executive Council on 2 December 1982 and, as mentioned earlier, a select committee was formed one week later. In arriving at its recommendations the committee heard a number of submissions from individuals and organisations with an interest in the question of the District Council of Meadows boundaries. The committee heard evidence from councils with common boundaries with the District Council of Meadows, particularly the District Councils of Mount Barker, Strathalbyn and Stirling and the City of Mitcham.

The committee has heard evidence from residents and organisations concerned with a perceived community of interest between the urban wards of Meadows and the hills wards of the City of Mitcham. Much time was given to deliberation on this matter, and to the problem of the Coromandel Valley. The committee visited the District Council of Meadows, and adjacent areas. In addition, the committee has had discussions with the representatives of the district council and has, in its recommendations, taken into account the submission by the council. The committee heard evidence from the Australian Workers' Union and the Municipal Officers Association relating to the impact of any change in boundaries on the conditions of employment of their respective members.

It was clear to the committee that the Happy Valley, Aberfoyle Park area has a distinct urban character and has shown the high population growth rate of 70 per cent between 1976 and 1981. The Clarendon area of the council, and specifically the Clarendon ward, also has a distinct urban trend with subdivision activity urban recreation services and a population growth of 36 per cent in the 1976 to 1981 period. The remaining parts of the district council area comprising the wards of Echunga, Macclesfield and Kondoparinga are rural in character with a more stable population structure. Thus, the committee was aware of the rural-urban differences in the district council and considered the possibility of a separate council based on the three rural wards. However, this option has been rejected on the grounds that it was not now widely supported locally.

In its deliberations, the committee noted that there were significant topographic similarities in the Echunga, north-Macclesfield and north-Kondoparinga ward areas. These similarities are characterised by smaller holdings and significant rural living development. In addition, there is a perceived community interest between the townships of Meadows, Prospect Hill, Macclesfield and Echunga with Mount Barker. There is a strong north-south movement of activities such as shopping, schooling and use of community services. As distinct from this area and to the south, the character of the landscape changes to hillier undulating farmland with a broad-acre function. The southern Kondoparinga ward and the southern part of Macclesfield ward have definite links with Strathalbyn.

The committee has heard evidence from both the District Council of Strathalbyn and Mount Barker and residents of

the respective areas which have expressed an interest in these respective areas. Both councils have indicated their capacity to manage the rural area and the committee believes that the urban area of the District Council of Meadows would form a viable council with relevance to its residents. The committee recommends that the area to be annexed to the District Council of Mount Barker be composed of two wards, Meadows-Echunga and Macclesfield and that the area to be annexed to the District Council of Strathalbyn be composed of one ward, Kondoparinga. The persons who are currently members of these wards will hold office until the annual elections to be held in October 1983. This decision will not of course preclude any future changes to ward structure determined by any of the councils.

The remaining urban wards of the District Council of Meadows will have a population of 19 000 to 20 000 persons with a focus on the Aberfoyle hub. The committee considers that this area should be given a change of status and therefore recommends that this area become a city following the annual election date in October 1983. As previously mentioned, the committee gave deliberation to the Mitcham hills—urban Meadows situation. The committee does not believe it is appropriate to express a view on the claims for severance of the hills wards of the City of Mitcham and their annexation to urban Meadows. However, the committee recognises that the community which centres on the Coromandel Valley is split by the boundary between the council of Mitcham and urban Meadows. The committee acknowledged the force of the representations made by individuals and organisations from this community but, given that the evidence placed before the committee may not be a thorough account of the situation, it is recommended that no change be made to that boundary at this time.

The committee has given particular attention to the impact of its deliberations on the job security of persons currently employed by the three affected councils. The committee has heard submissions from the Municipal Officers Association and Australian Workers Union regarding the rights and conditions of workers currently employed by the District Council of Meadows. I have a great degree of sympathy for the union claims. It is recognised that the considerable concern expressed by officers and employees for the future of their jobs should a change of boundaries eventuate occurred because of premature and mischievous announcements from other than the committee or the Department of Local Government. The committee wishes to reassure the officers and employees of the District Council of Meadows of its clear intentions in matters which concern their welfare and therefore recommends that no officer or employee whose place of employment is currently within the boundaries of the proposed new urban Meadows council shall be compulsorily transferred to either the District Council of Strathalbyn or the District Council of Mount Barker.

The committee has heard evidence from the District Council of Mount Barker that it would be willing to retain the Mawson Road depot, and it considers that the continued existence of this depot is essential and will have many local benefits. The committee therefore concluded that, when the depot facilities and offices at the township of Meadows are taken over by the District Council of Mount Barker, they be retained and the present level of employment maintained. Specific and detailed provisions for officers and employees at the Meadows depot are contained in the report. Basically, they will become employees of the District Council of Mount Barker unless by negotiation they wish to locate elsewhere.

It is noted that there are further matters for deliberation, particularly in regard to staff who may wish to further their ambitions in the District Councils of Mount Barker and Strathalbyn. It is emphasised that the report gives considerable scope for this to occur. There are also further matters which will involve the reapportionment of assets and liabilities. Negotiations on these will take place as soon as possible with the necessary assistance being given from the Government. The decisions of this negotiation will be taken up in a second proclamation. All parties are invited to proceed to these negotiations in the knowledge that there will be advantages for the communities.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports this move. This matter has been the subject of a select committee of the House of Assembly. There is an important factor involved in our support for this matter, namely, that the findings of the select committee were supported unanimously. Problems have been raised by people in this area, and there is only one particular that was the subject of question at an earlier stage, namely the matter of employment of extra staff by the Meadows council over and above what they require. That matter was canvassed at length, and I gather that there will be rationalisation, regardless of what the committee's report indicates—that is, that a majority, if not all, of the people who work in the Meadows depot will seek employment with the Mount Barker council and will not take up the option they have to continue employment with the Meadows council.

That council will perhaps employ three people over and above its requirements. However, I understand that there is a possibility of attrition in the near or forseeable future and that that matter will resolve itself. There were reasons for this very clear direction on the rights of staff. Considerable concern was expressed by officers and employees as to their job future should a change of boundaries eventuate or occur. However, that was based on mischievous and premature announcements. Apparently, council staff were circulating rumours. Thus, it is necessary that very clear directions be given as to the rights of staff, and I believe that the matter will resolve itself satisfactorily.

This matter has been the subject of some controversy over a long period, and I am very pleased that it has finally reached the stage where rationalisation is to occur in this area. I am sure that the people who live in the districts concerned will find that the rationalisation that will now occur will benefit the district in the long term or even in the short term. The Opposition supports the motion.

The Hon. C.M. HILL: As one who has had some involvement in this matter over the past few years, I feel obliged to commend those people who have been responsible for bringing this solution of the overall problem to the Council. The Hon. Martin Cameron intimated that the issue goes back a long way. I believe that local people and observers of the local situation saw as inevitable that the long-term future of the District Council of Meadows would not lie within the existing boundaries. One had merely to look at a map and note the unusual shape of the area, to recognise the tremendous urban explosion at one end of the area (and that, of course, is the Aberfoyle Park and Happy Valley area), and to make contact with rural people who have been established in that area for generations, to appreciate that some changes had to take place.

Like all local government changes, these changes have not been easy to achieve. In 1981, the rural people petitioned to secede and to establish their own rural council. The people who were instrumental in that movement and who worked very hard in the area drawing up petitions, attending meetings, and so on, were to be commended because they wanted to retain the rural character of the area. Of course, that was a traditional characteristic of that region. However, it became evident on further investigation that, had a separate rural council been established, the rate revenue of the ratepayers in that new council area would have to be increased

to a point where the ratepayers would be asked to pay an unreasonable amount in rates. I believe that those people who initiated the original move to secede eventually recognised that that was so or that it was a real possibility.

It became apparent to me during 1981, and particularly during 1982 when I was involved with many meetings in the area, that it was a fact of life that the rate revenue would have been appreciably higher had the rural area of Meadows seceded and formed its own council. It became apparent also that the real solution lay in the readjustment of the boundaries of the District Council of Meadows so that adjacent rural councils could absorb some of that rural area and so that the original intention of the ratepayers to remain in a rural area could, by that method, be achieved. The select committee has taken that line and has readjusted boundaries so that a portion of the rural section of the District Council of Meadows will pass to the adjacent councils.

I was very pleased to note also that the Clarendon area will remain within the original council area, which will be declared a city and have a new name. While some people might say that the Clarendon area is rural, other people will argue very strongly that the population expansion in that area and the change from the old rural pursuits to hobby farm activities indicate that a lot of the people in Clarendon are associated with an urban lifestyle and not with an entirely rural lifestyle. A lot of the people from Clarendon go to the hub, the central point of the new proposed city, and they will become citizens and ratepayers of that city. I believe that the decision to leave the Clarendon area in the proposed new council was very wise indeed.

The only problem that has been raised with me is the concern felt by members of the present council who will be councillors in the new city in relation to some staff who (as the wording of the report before us indicates) may stay on with the new city rather than change their employment so that they are employed by the adjacent rural councils. A fear has been expressed that there will be excess labour and that, therefore, excessive expenditure will be incurred by the new city if all the people in that category decide to remain with the District Council of Meadows, or with the new city. I have carried out investigations into this situation, and I believe that there is another side of the coin.

It seems that those people who investigated the matter in great detail during the select committee found that in all probability all employees would not want to do that. Secondly, the new city will be in credit: funds will not have to be expended in the rural area. As the Hon. Martin Cameron stated, with attrition and for other reasons, staff changes are inevitable. I know that there will be no retrenchments whatsoever in regard to the matter before us, but, nevertheless, changes will occur, and I do not think it will be very long before that fear will be resolved and the worries that have been expressed will be put to rest.

I hope that the people in the rural areas are well pleased with both the democratic and indeed the Parliamentary processes that bring this whole matter to finality. I also hope that in the future those people will be happy to serve as citizens and ratepayers of the adjacent council areas. I wish the new city every success in the future.

The planners who have already made their mark, who have moved the centre of the district council down to the hub and those who have ventured very boldly in establishing the hub and the new centre and have worked very hard for the area in lobbying for public works and activities, such as schools and other sporting facilities in and around the hub area, deserve a great deal of success as community leaders. I believe that the time will come when the southern part of metropolitan Adelaide will, as a new city, take its place as one of the very strong and progressive cities in the fringe suburbs of Adelaide. I support the motion.

The Hon. C.W. CREEDON: I was very pleased with the recommendations but find that it is rather ironic, for I have always maintained that local government should become bigger rather than smaller. In this case, when I talk of 'smaller', it relates more to area size than to population size. The Meadows council area, under these proposals, has almost 20 000 people— sufficient to be a city. There is still plenty of room for growth. Fortunately, the division of this council has not created another council that would be an economic liability but instead has been divided between two other district councils and will enhance their ability to thrive as economic units. Having read the long speeches of committee members in another place, I am convinced that the matter has been thoroughly canvassed during committee proceedings.

I note that attention was paid to the fate of employees. I believe that provision is made to accommodate them— whether they want to remain, as determined by the report, or change, they have the opportunity. The change to the Meadows council can, I believe, be justified, although it is obvious that the present council has some doubts, as was indicated in correspondence distributed recently to all members of Parliament. The letter indicated that the council was now seeking a referendum of its original area and that it would agree to a change to boundaries. Page 2 of the report indicates that the committee was aware of the move for secession of the rural areas of the District Council of Meadows. In 1981, a formal petition was made for severance and for the creation of a new rural area. The Minister said the following in his speech on this matter in another place:

> . . . over the past three years, there has been some move to incorporate a rural council in that area. In September 1980, a residents committee was formed to explore the possibility of the rural portion of the District Council of Meadows breaking away to form its own separate council leaving the urban area to regroup and form a new council of 20 000 persons. The grounds for this argument rested in the assumption that rural/urban tensions in the council would dissipate and the rural area would be much better off.
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> A series of public meetings were held and, in January 1981, some 70 per cent of electors from the District Council of Meadows formally petitioned to have severed from the area essentially that rural portion to form a new rural council, tentatively described as the District Council of Kondoparinga. The Local Government Advisory Commission investigated this matter and in reporting to the Minister of Local Government recommended against the secession and suggested that there was room for reorganisation of the boundaries of the District Council of Meadows but that it should not be considered in isolation from the surrounding local government areas.

Other committee members did not deny the statement made by the Minister, so I can only assume that his statements are statements of fact. It would appear that there has been considerable agitation for a change in the area for some time. It is a bit late now to try to frustrate the committee's decision by delaying tactics. It is obvious that the citizens want some kind of separation, accepting the fact that the separation has been offered in a sensible way. It appears obvious that the council was unable to resolve the problem to the satisfaction of the majority and should gratefully accept the decision of the umpire.

Local government is broadening its horizons and accepting more responsibility, often at the behest of Federal and State Governments with very little offering in the way of financial aid to encourage the acceptance of the new roles. Local government must be strong and viable, ready to accept any worthwhile challenge and must be ready to reject narrow parochialism which retards its growth. On examining appendices A and B, I noted that a large number of submissions were made to the committee. I felt that the interests

of those people in local government and other areas only enhance the reputation and added responsibility of local government.

Motion carried.

LOCAL GOVERNMENT BOUNDARIES OF THE DISTRICT COUNCILS OF BALAKLAVA, OWEN AND PORT WAKEFIELD

Consideration of the House of Assembly's address recommended by the Select Committee on Local Government Boundaries of the District Councils of Balaklava, Owen and Port Wakefield in which the House of Assembly requested the concurrence of the Legislative Council.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the address be agreed to.

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

Leave granted.

On 8 December 1982 the House of Assembly appointed a select committee to inquire into the uniting of the District Councils of Balaklava, Owen and Port Wakefield. The Lower House has now agreed to a joint address to His Excellency the Governor and the report of the select committee was tabled in this House on Wednesday evening.

The purpose of the Minister of Local Government, in moving for this select committee, was to complete a course of action which had been undertaken by a select committee appointed under the previous Government and interrupted by the State election. The Minister was mindful of his responsibility as Minister of Local Government to view all aspects of local government which have an influence on the interests of local government employees, councillors and residents.

The operation of a council is influenced by a number of factors, and in a time of rising costs, when many skills are needed by staff to overcome organisational problems, the size of a council is critical. The Lower-North and Mid-North areas of South Australia are notable for the number of small councils. This situation developed during the last century when local population was relatively large because of the intensive labour requirements within the agricultural industry. Almost all the local governments in this region have a net general rate revenue which is less than $250 000. The population of many centres is either static or declining and there are obvious pressures on these councils for change. There is a need at this time for decisions on how this change will take place.

Whilst there have been suggestions to coerce union of councils, it is interesting to note that in most cases the moves for amalgamation have been taken in a voluntary spirit. This spirit is still taking place at this time and there are a significant number of councils discussing the advantages of uniting.

There has been a history of attempts to achieve amalgamation between the councils of Balaklava, Owen, Port Wakefield, Riverton and Saddleworth and Auburn. The previous select committee concentrated on the union of Balaklava and Owen councils. It was considered, given the small size of the District Council of Port Wakefield, and its location relative to the other councils, that it should be part of any discussions concerning Owen and Balaklava. Thus, it was included in the select committee terms of reference.

The committee has now deliberated on the operational, financial, staffing and management issues involved in the union of the three councils and has heard evidence on the various community interests both within and across the council boundaries in the area. The committee met on 10 occasions and conducted a tour of the area. The committee also had access to evidence which was given at the previous select committee on this subject.

All three councils are relatively small in terms of population, size, rates collectable and fixed assets. Port Wakefield, for example, is ranked 116 out of the 127 councils in size of rate revenue and is relatively dependent on external funding from the South Australian Local Government Grants Commission and from grants for road works. The other two councils share the same problems that small size creates but, unlike Port Wakefield, are experiencing some growth in population. However, it was noted by the committee that the small size of all the councils was creating certain disadvantages in the delivery of services to residents and is stretching the resources and skills of council officers and members.

The committee was aware of the possible development potential in the area under investigation, particularly in relation to the Bowmans coal deposit. The committee considered that such a development, if it were to proceed, would require strong local government able to provide infrastructure works.

Whilst the committee was cognizant of the financial forces which are restricting the operations of the councils and the economies of scale requirements within local government, it was also sensitive to the community of interest of the people living in this region. As previously mentioned, the committee heard evidence on community activities which related not only to the subject councils but also to surrounding councils. Evidence indicated that there were community ties in the use of schools, shopping facilities, libraries, health centres and other services and that these ties often transcended existing council boundaries. There are particular and important community links between the towns of Port Wakefield, Owen and Balaklava. The committee also perceived that there are community links in the southern area of Owen council in the vicinity of Hamley Bridge, between local government areas to the south and east. These links occupied a good deal of attention from the committee.

In outlining the recommendations of the committee, I wish to point out that these recommendations were attained by a majority vote of the select committee and were not supported by two members of the committee. It is regretted that this committee was not able to obtain a mutual standpoint in this case, but it is my understanding that the two Opposition committee members would not support a union of the three councils which included the town of Hamley Bridge and a significant area of adjacent farm land. Thus, the committee by a majority vote makes the following recommendation: That the areas comprising the District Councils of Port Wakefield, Balaklava and Owen be amalgamated in their entirety to form a new council area.

It is considered, given the evidence available to the committee, that this was the only course of action which could have been taken. To remove Hamley Bridge and a surrounding area from the union would be to decimate the existing District Council of Owen, whilst leaving the remains as a very tenuous part of the new council. It is believed that such an action would have jeopardised the future of the new council even before it had been established. Let us look at the real effect of this severance in facts. If Hamley ward were removed from the Owen District Council area, it would remove $81 105 or one-third of the rate base of Owen. It would also remove a significant commitment by that council to a recreation centre, community health clinic and a roadworks programme. The facts show that the District Council of Owen had devoted an enormous amount of time, effort and money in Hamley Bridge to make it a model of good local government management. To remove this effort

from the proposed new council would mean that the benefits of all this hard work would also be removed.

The severance question also raises problems of a severe imbalance of membership within the proposed new council. With the removal of Hamley ward, the loss of electors would be at least 400 out of a total of 867 electors for the District Council of Owen. This would leave the Owen component of the new council with a proportionately small representation.

It is likely that Owen would go into the new council with a representation of only one or two persons instead of the three persons, which would retain some degree of balance in the proposed new council. The severance question would cause great concern to the staff of the Owen council. What staff, for example, would be moved to an annexing council? With the loss of one-third of the rate base staff, and given that most staff live in Owen (or north of Owen), there will be a greatly increased journey to work at the council offices at Freeling, Mallala or Riverton.

The Opposition committee members feel that community of interest principles should be the basis of any decision. These members have used the community of interest notion to direct Hamley Bridge to an adjoining council. Community of interest is a very vague concept on which to base such a course of action, and it is dangerous to rely on this concept in this case. The main point which is clear from ties created by sporting, education and community links is that Hamley Bridge has a large number of interests in a large number of directions. There are no comprehensive links to the townships of Freeling, Mallala or Riverton, with the exception of the area school in Riverton; nor are there direct links with the District Councils of Light, Riverton or Mallala. In fact, some very important links exist between Hamley Bridge, Owen and Balaklava in terms of transportation and health matters.

An argument which is also not convincing is that Hamley Bridge should be placed with the District Council of Light because a part of the area of influence of Hamley Bridge extends into that council. This argument could just as well be turned around to justify annexing that area of influence to the District Council of Owen and the proposed new council area. The fact is that Hamley Bridge is on the edge of the proposed new council area and, no matter how the boundaries are drawn, it will always be on the edge of a council area. It is accepted that it is not possible at this time to create a local government out of Hamley Bridge only. It is therefore important that Hamley Bridge remain within a local government organisation where it has an established interest and where that interest has proven an advantage to its development. It will not become lost within a new council, because the interest that it now holds will be maintained by its representation on the new council and the alliances that it has built up within the District Council of Owen. It is noted that representatives of the District Council of Balaklava have mentioned that they can operate in a new council that involves Hamley Bridge.

It is considered that there are grounds for an agreement which will allow Hamley Bridge to remain within the proposed council area. It is emphasised that this is the first union of councils within the joint committee process under section 23 of the Local Government Act. It must be a union in the proper sense of the word, and it is obvious that, if the present District Council of Owen is dismembered by the removal of Hamley Bridge, a union is not the result. It is also emphasised that should this union fail then the Government will not be keen to pursue similar actions which are being asked for by other councils.

It is noted that the recommendation for a union also involves the District Council of Port Wakefield. It was recognised that there were strong advantages with the inclusion of Port Wakefield in such a union. Port Wakefield has clear community ties with Balaklava and these will be formalised under this arrangement. It is considered that community development advantages will flow to Port Wakefield without interference in the community identity of the town and its area.

It was recognised that there was a need to make an adjustment to the boundaries of the proposed council area and the District Council of Riverton which will overcome problems of access and which will allow certain services that are sometimes carried out by the District Council of Owen to become the responsibility of the new council. The select committee recognises that other boundary adjustments are needed in the Salter Springs area and suggests that the District Council of Riverton and the proposed new council resolve these matters by consultation. With majority support amongst the councils, the new council will be named the District Council of Wakefield Plains, and it will be comprised of seven wards.

After the elections in October, the council will comprise 11 members and a mayor. It is realised that, within the constraints of the Local Government Act, a council which is a combination of the three councils and which comprises 21 members must operate from the commencement date for the council which is set for 1 July until the annual election in October. The main purpose of the 21-member council will be to oversee the transition to the new council.

The main office for the new council will be at Balaklava and there will be branch offices and depot facilities at Owen and Port Wakefield. There is particular concern for the rights and benefits of officers and employees who are involved in the changes that will be caused by the uniting of the councils. The committee has given particular attention to the job security and conditions of employment within the three affected councils. A submission has been made by the union representative, and the committee agrees with the concept of a review of staff positions within a negotiated period of time from the proclamation date.

It is emphasised that a choice must be made of officers who will hold the senior positions within the new organisation. The committee has given very careful consideration to its choices and has based its decision on the willingness of staff to occupy positions of responsibility and the professional abilities of the staff concerned. The committee has made the decision of appointments in the knowledge that it has a direct responsibility to establish the new council.

In summary, I believe that the decision that has been made will create a thoroughly workable council with operational, financial, staffing and management advantages. Within the structure of the organisation there will be exciting opportunities to create a council that will be large enough to overcome the many demands of contemporary society and yet small enough to retain the sensitivity to local issues which is a focal point of local government in this State.

The Hon. M.B. CAMERON secured the adjournment of the debate.

ALSATIAN DOGS ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 916.)

The Hon. M.B. CAMERON (Leader of the Opposition): When I last spoke on this matter I indicated that I wished to conclude my remarks, and I have only a few words to say. I intend to seek from the Minister an assurance that there will be a review of the Dog Control Act to take account of the matters that I have brought forward as matters of

concern in pastoral and farming areas of the State. They were as a result, obviously, of people approaching me who had some concern about the repeal of the Alsatian Dogs Act.

Frankly, in this day and age there are plenty of breeds of dogs which cause, if not more trouble, certainly as much trouble in terms of killing the stock. In fact, sheep dogs themselves can cause trouble. There is no point, in my mind, in having an Act which specifies one breed. It is a matter of ensuring that there are satisfactory measures for controlling big dogs in not only pastoral areas but areas close to urban areas. I know of two schools which have suffered serious losses from dogs taking sheep. It is a matter of concern and it is a matter on which I seek assurance from the Minister. I support the Bill.

The Hon. K.L. MILNE: With respect to the repeal of the Alsatian Dogs Act, there does not seem to be a justifiable ground for discriminating against any particular breed of dog any longer in the way in which the Alsatian Dogs Act does. It is obvious that the reasons for it being enacted in the first place are outmoded. The Leader of the Opposition has spoken on many of the matters that we would have raised and explained them very well. What his speech amounted to was that while the repeal of the Alsatian Dogs Act is a simple matter the control of dogs in the future is not, and that is where the Government and this Parliament will need to be extremely careful. I hope that the Government will review the whole of the matter as soon as it possibly can because on the surface the control of dogs, even in the outer suburban area, would not appear to be a very important matter. But when one hears the debate such as we have had on this Bill, it becomes very important.

It is not a condition of our support of the repeal of the Bill because I believe sincerely that the Government will review this matter and treat it as urgent. We all recognise that there are problems with the control of dogs of many breeds and we expect that with the strengthening of the Dog Control Act and possibly the Wrongs Act we will be able to satisfy the needs of both rural and urban areas. We support the Bill wholeheartedly.

The Hon. J.R. CORNWALL (Minister of Health): I will be very brief. I thank honourable members for their contributions. The contribution of the Leader of the Opposition was quite a thoughtful one and certainly a very well researched one. It was a substantial contribution to the consideration of the legislation. I am pleased to hear that the Hon. Mr Milne, in his very commonsense sort of approach, has indicated that he will support this but that he seeks at least an indication that we will review the Dog Control Act in the foreseeable future. The Hon. Mr Cameron also sought certain assurances along those lines. I am pleased to be able to tell honourable members that there will be a review of the Dog Control Act within 12 months. I have had that firm assurance from my colleague, the Minister of Local Government. He further tells me that the United Farmers and Stockowners will be on any committee that is set up to review it and that most, if not all, the matters raised by the Hon. Mr Cameron will be considered. So, that is a firm assurance from the Government. I need say no more.

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

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

Adjourned debate on second reading.
(Continued from 20 April. Page 922.)

The Hon. M.B. CAMERON (Leader of the Opposition): As has been indicated by the Hon. Mr Griffin, the Opposition supports this Bill in principle. When I use the words 'in principle' I mean that we will be seeking to amend the Bill to make what we consider to be necessary changes. I know that the Attorney-General has indicated that the introduction of this Bill is in no way involved with politics. I have been around this place for long enough and have been present at various times when this measure has been introduced in the past, and there is no doubt in my mind that it was introduced initially on the basis of some political advantage to the present Government.

That does not, of course, mean that it is not a measure that this Parliament has to consider seriously. I point out that this Parliament and the Governments of this State have been free of taint for a long period. In fact, I do not know of any incidents where a measure of this kind would have been of any advantage in the running of the State. It has always been my view—and I guess that it is because I have in the past been on the back-bench—that senior public servants have much more influence on the running of the State and the expenditure of public funds than I have had. We tend in Parliament to deal with matters of principle rather than matters of breadline expenditure on behalf of the public.

I am concerned that the present Bill contains an indication that members' spouses and families must disclose their interests. This will involve a particularisation of members' spouses and family interests.

During my time in politics I have always been careful not to involve my family in whatever matters I took up. I have ensured that they are kept aside, for very good reason. I have children who, for almost the entire period in which I have been in politics, have been in school and I know that from time to time controversial matters have arisen in which they have been involved where my children have been taunted when a matter has been raised by their friends, and this has caused them some concern.

I have been scrupulously careful in not involving them unless it has been done by their school friends. That is a matter over which I have some control, and I would be extremely concerned if it were necessary for the name of my wife and children to be made public and published for the sake of disclosure of interest. I recognise that it is possible for people to transfer assets to a hidden side of the family; that is, transferring one's assets to a wife or husband in order to avoid disclosure.

I accept that that means that there does have to be some information available although, as I said previously when this Bill was introduced, I am not sure whether some wives would take kindly to a husband wanting to know her assets and for that information to be published. My wife might tell me to go jump in the lake. For that reason, I believe that the indication by the Hon. Mr Griffin that he has an amendment to ensure that a member can disclose the interests of his wife and family under his own name would get rid of that problem for me. I have no hesitation in disclosing any interests that they may have, but I do not want their names attached and published for the simple reasons that I have given.

I am concerned that the Bill does not include public servants and judges. I do not intend to move that way at this stage, but I think that it is a matter that does have to be looked at in the near future. I do not believe that it is possible to just leave them aside, because many public servants who have interests equal to or greater than members of Parliament have influence equal to or (I imagine, in most cases) greater than members of Parliament on particular matters, including expenditure of public funds.

That matter has to be looked at seriously. In regard to the disclosure of amounts, the amount involved in the Hon. Mr Griffin's amendment is satisfactory. It is necessary for members to disclose their liabilities, because a creditor could have far more influence on a member than a debtor. While I support the principle of the Bill, I have much sympathy for the amendments to be put by the Hon. Mr Griffin. It is important that a measure like this is brought into force of law by consensus between the Parties involved in the disclosure of interests: that means the political Parties in this Council. I support the Bill.

The Hon. R.J. RITSON: I support the Bill. I want to review briefly the history of this legislation, because this is not the first or second time that this Parliament has sought to legislate on this subject. I must confess that previously the Bill was brought forward in a form and political atmosphere such that one could be forgiven—

The Hon. M.B. CAMERON: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. R.J. RITSON: Previously, when legislation such as this was before the Council, it was in such a form and in such a political climate that one could be forgiven for wondering whether the sole purpose of its introduction by the Labor Party was some sort of attempt to demonstrate the wealth of one or two members of Parliament for politcal advantage. Certainly, in part, it appeared to be so.

The Hon. Frank Blevins: If that were the motive, we would not have put in the Bill—

The Hon. R.J. RITSON: I will take up that point and demonstrate to the Council the gradual evolution that has occurred which at last makes it possible for members on this side to accept the Bill. The Bill introduced by the Attorney-General, as the then Leader of the Opposition, differs markedly from this Bill. That Bill was, in fact, a skeleton Bill and I recall that, during the debate on it, I pointed out to him the defects. I pointed out that the Bill failed to deal with the subject of liability, that the Bill was drafted in such a form as to permit political abuse of the information disclosed pursuant to the conditions of the Bill. Further, I pointed out the abuse that might be made of Parliament and incomplete information, perhaps about a candidate, during the course of an election campaign.

Under the previous Bill the nature of the return, as copies of the Parliamentary document, could have been letter-boxed during an election campaign. There were many many things wrong with it. When I drew the then Leader's attention to these aspects, he said, 'Do not throw it out; get it into Committee and amend it.' That was his attitude then.

The Government has now introduced a Bill which is much more than a skeleton Bill. In fact, it contains many of the principles that I expounded during the previous debate. It has drawn substantially on the Victorian legislation and, although it is not yet in a form in which the Opposition could agree with all that it contains, and although the Opposition intends to support certain amendments, nevertheless, it has been brought back in such a condition that we can support the second reading.

I ask the Hon. Mr Sumner to remember an interjection that he made during previous debates on this subject, namely, 'Get it into Committee and amend it'. That is precisely what we intend to do. I expect the Hon. Mr Sumner to adhere to the spirit of his former attitude to this Bill and not oppose the amendments that will be moved by the Opposition. I support the second reading.

The Hon. R.C. DeGARIS: This Bill has been before the Council on a number of previous occasions. I have listened to the viewpoints put by many members on this question. I would like to state my view again. The present system operating in this Chamber under our Standing Orders is quite satisfactory. On many occasions I have seen honourable members declare to the Council their pecuniary interests, but I cannot recall any circumstances where it has been ruled that there is a pecuniary interest to declare.

I remember an Attorney-General saying on television that a register would tend to make politicians more honest. I heard the Hon. Mr Lucas say yesterday that politicians are not highly rated and that a public declaration would improve their standing. I do not believe that either system would make any difference at all. However, if we are to proceed with this Bill, clear principles should be followed. Our existing Standing Orders ensure that, if there is a conflict of interests of a pecuniary nature, the member is bound to declare it. Having made the declaration, it is the Council's privilege to make its determination on that question. I pose my first question: what is a conflict of interest? In its widest definition, every member would constantly have to declare his interest on practically all Bills before the Council. Is there a pecuniary interest in a Parliamentary Superannuation Bill? Is there a pecuniary interest in a Budget, because it provides members' salaries? Is there a pecuniary interest in the South Australian Oil and Gas legislation, which was before the Council yesterday, because South Australian Oil and Gas is a statutory authority owned by the Government. Therefore, all South Australians have an interest in that Bill. All South Australians have an interest in organisations such as S.G.I.C.

It is interesting to try and define a conflict of interest in relation to members of Parliament. An interest other than pecuniary can also be seen in private member's Bills, for example, private member's Bills dealing with the Uniting Church and the Bank of Adelaide. Will we be asking for information on one's religious beliefs or one's banking needs? Is there a conflict of interest in the Government's proposals for changes in the Wrongs Act relating to the liability for animals? Does the abolition of succession duties and the abolition of land tax amount to pecuniary interests? If we proceed with the register proposed in the Bill, we need to strike a reasonable balance between a definition of conflict of interest and the undoubted rights to privacy. The Canadian Parliament, in tackling this problem, expressed the matter this way:

> The public has an undisputed right to know certain factors which may influence a representative's behaviour, but that right to information does not extend to features of his private life which are irrelevant to the performance of his public duty.

That does not answer all the questions that arise, but it tries to strike a balance. It is also my view that the conflict of interest should be considered in a different light in regard to a Minister. This point is not touched on in the Bill, but it has been considered in other Parliaments.

I have been informed that in New Zealand only Ministers are required to declare their interests. There is a good reason for that. A Minister has far more power in making decisions than back-bench members of Parliament. The report of the Federal Joint Committee on Pecuniary Interests of Members of Parliament appears on page 2331 of *Hansard*, as follows:

> 1. Members of Parliament should disclose the names of all companies in which they have a beneficial interest in shareholdings, no matter how insignificant, whether as an individual, member of another company or partnership or through a trust.
>
> 2. It should be left to the discretion of individual members of Parliament as to whether or not they should register the actual value of any shareholding.
>
> 3. Members of Parliament should disclose the location of any realty in which they have a beneficial interest.
>
> 4. Members of Parliament should declare the names of all companies of which they are directors even if directorship is unremunerated.
>
> 5. Members of Parliament should declare any sponsored travel.
>
> 6. Members of Parliament should provide the information required in the form of a statutory declaration to a Parliamentary

Registrar, who shall be directly responsible to the President of the Senate and the Speaker of the House of Representatives.

It is reasonable and proper to allow the public to have access to the information disclosed on establishing to the satisfaction of the Registrar, and with the approval of the President or Speaker, that a *bona fide* reason exists for such access.

These statutory declarations should be in loose leaf form so to enable members of the public to inspect relevant details in the statutory declaration filed by a particular Senator or member. Upon any request for access being received by the Registrar, the Senator or member concerned shall be notified personally and acquainted and informed of the details of the inquiry before such access is granted.

The Senator or member thus notified may, within seven days, submit a case to the Registrar opposing the granting of such access. On receipt of such submission the Registrar, with the approval of the President or Speaker, shall make a decision, from which no appeal shall lie.

7. On assuming office a Minister of the Crown should resign any directorships of public companies and dispose of any shares in a public or private company which might be seen to be affected by decisions taken within the Minister's sphere of responsibility.

That report was not acted upon by the Federal Parliament. The Bill provides for declarations by candidates for election to Parliament. There can be no justification for such a procedure. If we are to move to a register for members' pecuniary interests, it should only apply when a person is elected. There is far stronger argument to apply the declaration of pecuniary interests to public servants, judges and statutory body boards than to candidates for election to Parliament. Neither do I agree that children and spouses should be placed in the position of making a declaration. Supposing a spouse refuses to supply any information, what course of action can be taken in that situation? Although I believe the whole process is unnecessary, if we are going to introduce this procedure, we must achieve a balance between the rights of Parliament, conflicts of interest and the rights of privacy that everyone should enjoy. I do not believe the proposal will do anything for the image of politicians. It will be just another burden on the regulation and red tape of an over-regulated society.

The Hon. K.T. GRIFFIN: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C.M. HILL: I did not want to cast my vote without speaking to the measure. I intend supporting the second reading of this Bill. I have always accepted the principle that people in public life must expect to be subjected to considerable public scrutiny. By that I mean scrutiny by the public of one's public role. I believe that, in political life, members should be prepared to go to certain lengths to disclose their pecuniary interests. At the same time, I believe strongly that great care must be taken in legislation dealing with this matter that such information cannot be used as part of cheap political tactics. I believe, too, that great care should be taken regarding the rights of privacy of one's close family.

I hope that all members of this Chamber would agree with principles such as these. I have never been worried about the issue of disclosing pecuniary interests. In fact, during my time as a Parliamentarian I have done just that on several occasions. I can remember doing that in the late 1960s. I also remember another occasion in 1978 when I was on the Opposition front bench in this Chamber and a television network wanted the Labor Ministry and the shadow Cabinet of the day to disclose their pecuniary interests. I was rather amused when, on that occasion, the Labor Ministry refused to do that when Opposition front-bench members were prepared to do.

I can recall that in 1979 I disclosed in this Chamber all my pecuniary interests. I believe that this Bill can be improved in some areas, particularly those referred to by the Hon. Mr Griffin who, I understand, intends moving amendments during the Committee stage. If those amendments follow on the points he has made in this debate I will support them. I have previously supported strongly the principle that information of this kind ought to be provided to officers of the Parliament. I believe that when we were debating this matter previously I said that there was no reason for these interests to be disclosed publicly. However, there has been a general trend in Australia, and in the Western world, for disclosures of this kind to be made public, so I have changed my view on that particular matter and, whereas I thought it would be prudent and just as effective for such information to be given to officers of the Parliament, I now do not object to its being made public along the lines required by this Bill. I therefore support the second reading and will support amendments along the lines mentioned by the Hon. Mr Griffin.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their contributions to this important debate. I am pleased to see that there is now a recognition by members of this Chamber that public disclosure of pecuniary interests of members of Parliament is necessary. Up to the present time, and during previous debates on similar Bills introduced into the House of Assembly in 1977 and 1978 and this Council in 1982, Liberal members have not conceded the principle of public disclosure of pecuniary interests. That has been the difficulty on each occasion when a similar Bill has been debated. A Bill on this topic failed in 1978 when a conference of managers from both Houses could not resolve the question because there was no acceptance by Liberal members of the principle of public disclosure. During the debate on this Bill, on this occasion, that principle has been accepted.

The Hon. R.J. Ritson: That is because the rest of the Bill is better; it is not such a minefield.

The Hon. C.J. SUMNER: I thank the honourable member for his compliment, but we could not get agreement on the key public disclosure part on previous occasions. I am merely stating that as a fact. However, I am pleased, and readily concede, that during this debate that principle has been accepted by all honourable members and I commend them for their attitude. With the acceptance of that principle the Bill becomes, essentially, a Committee Bill—that is, one where we will consider the details and mechanisms of public disclosure during the Committee stage.

However, I believe that in replying to this debate I should draw attention to one or two issues raised by honourable members during the course of the debate. The first of those issues related to disclosure of interests of other people in public positions, whether senior public servants, Ministerial staff (who I suppose could be included), the Judiciary, members of statutory authorities, and (it has been suggested) the press corps attached to Parliament.

The Hon. K.T. Griffin: Statutory office holders.

The Hon. C.J. SUMNER: I have already referred to them. I indicated that the Government was considering appropriate forms of pecuniary interest disclosure by other persons in public office. I made the point in the second reading explanation that the Government would consider this matter. I do not have firm and fixed views at present on how that disclosure might be carried out, but I agree with those honourable members who asked the question 'Why should Parliamentarians be singled out?' There is no question that Parliamentarians are in an important and potentially influential position in the community, and I believe that there is a case in that regard for public disclosure.

I believe that the situation in respect of other public office holders must be considered further. It may be that some kind of disclosure can be made by public servants to the relevant Minister or to the Premier, and likewise statutory

office holders could make similar disclosures. Perhaps the Judiciary could make disclosures of interest to the Chief Justice of the Supreme Court.

The Hon. K.T. Griffin: Would they be made public?

The Hon. C.J. SUMNER: The question whether they should be public disclosures must be considered. I do not know whether or not public disclosure is as compelling in most cases as it might be in the case of politicians. Nevertheless, we will consider that issue, and I will certainly refer the matter of public servants and statutory office holders to the Premier, and the matter of the judiciary to the Chief Justice. The other people I have mentioned will also be considered. That issue will be taken up by the Government and a report will be provided to the Parliament following the passage of this Bill.

The second matter that has been the subject of controversy is the inclusion of candidates and their disclosure of interests. I understand that there will be a move to remove candidates from the purview of this Bill. Basically, the reason for including candidates was one of fairness. For example, the Hon. Mr Hill, as an existing member of Parliament, may run for election and, because he is a member in office, he must disclose all his interests. This argument may not be so relevant to the Legislative Council, unless we say hypothetically that the Hon. Mr Davis may decide to go to greener pastures, to desert the House of Lords in South Australia, and seek his fortunes in the robust glow of the lower Chamber—the House of Assembly.

Assuming for the moment that the Hon. Mr Hill decided to contest a House of Assembly seat, he would have to disclose all his interests to the world. On the other hand, other candidates would not have to disclose interests if the proposition put by some honourable members was accepted. It may be that the Hon. Mr Hill, thereby, in that electoral context, may be disadvantaged if his opponent uses the information that was disclosed publicly in an electoral context. That is the basic reason why we believed that in fairness candidates should be included. However, I am prepared to listen to the arguments on this point in the Committee stage. Personally, I believe that that was a reason for including candidates—to place all people seeking public office on the same footing. It may be that the restrictions in the Bill on the unfair publication of material are an adequate protection.

The Hon. C.M. Hill: It should not be used for electoral purposes.

The Hon. C.J. SUMNER: I agree. However, my thinking on including candidates was that I did not believe that an existing member who discloses his interests to the world should be placed in a disadvantageous position in electoral terms whereby the candidate may make accusations in relation to the member's interests and where there may be some suggestion that the member had used his influence in relation to a housing development or something of that kind. A candidate might well use that information to make that sort of accusation, whereas his interests would not be disclosed in public. Indeed, if the candidate's interests were disclosed to the world, it might be seen that there would be a potential conflict of interest in some cases. I am trying to explain the basis behind the inclusion of candidates under the Bill.

The Hon. K.T. Griffin: Candidates are not in a position to influence any matter that is before the Parliament, and conflict of interest legislation is really designed to discover whether there is any conflict in respect of a matter before the Parliament on which decisions have to be made.

The Hon. C.J. SUMNER: That is true. I was merely referring to the question of whether interests would affect judgment about a person's capacity to serve in the Parliament and whether those people who are already members would potentially be subject to such assessment because of their interests, whether rightly or wrongly, whereas that would not apply to a candidate. That is the reason for the inclusion, but I am prepared to listen to further argument on the issue in the Committee stage.

The third point on which I wish to comment is the extent of disclosure in regard to organisations from which a member obtains a pecuniary benefit. The relevant clause in the Bill is an exact take from the Victorian legislation, which has been in existence for some four years. I understand that there have been no major difficulties in this area. I do not accept the view that we should consider only a pecuniary interest that may affect a member's vote in Parliament, although I do concede that there are certain difficulties in drawing the line on disclosure. Perhaps there may be an unwarranted invasion in talking about an organisation, or in talking about a small club or something of that kind. I do not know. Personally, I do not believe that that is true.

For instance, the membership of a prominent club, such as the Adelaide Club (and members of this Council may be members of the Adelaide Club—I do not know), may be confronted with the fact that the club premises, on North Terrace, may be subject to a re-evaluation. There may be some incentive to members of that club to try to have the valuation reduced. Clearly, they would have a direct pecuniary interest, because their membership fee might be affected by the result. That may apply to the membership of other clubs.

The Hon. K.T. Griffin: It is not related to a matter before the Parliament.

The Hon. C.J. SUMNER: That was an example, but other issues may come before the Parliament that would affect a club potentially in a financial way. For instance, there may be consideration, as the Hon. Mr Griffin promised in the last Governor's Speech, of legislation that will affect private sporting clubs in relation to the Sex Discrimination Act, and that matter may come before the Parliament. If the Hon. Mr Griffin, say, as an avid golfer, is a member of a golf club at Glenelg, his membership of that club may affect his view of the legislation. That may be something about which we should know. The Hon. Mr Hill may be a member of different clubs, and I, too, may have membership in clubs.

The Hon. C.M. Hill: You will be joining the North Adelaide Society soon, won't you?

The Hon. C.J. SUMNER: Of course, it has been quite vociferous in the past.

The Hon. Diana Laidlaw: You will have an interest in the review of the Licensing Act?

The Hon. C.J. SUMNER: That is right. I do not think the issue is as clear cut as has been put by some honourable members. It is not fair just to confine the matter to organisations from which a person derives a direct financial or pecuniary benefit. A base exists for a broader notion of disclosure. That is the situation in Victoria and presents no difficulties. I would be reluctant to see the provision narrowed, although it may need to be clarified in some respects. I believe that membership of a club can affect in significant ways the way that a person may act in a debate in the Parliament and ought to be available to the public for its information.

The fourth point I wish to make is on the question of who should be the Registrar of Pecuniary Interests. The Hon. Mr Griffin believes that there should be two Registrars. That is overly bureaucratic.

The Hon. K.T. Griffin: It is respecting the authority and autonomy of each House, isn't it?

The Hon. C.J. SUMNER: Yes, I suppose one could argue this, but I understand that in Victoria a Parliamentary officer—

The Hon. Diana Laidlaw: You don't have to copy Victoria.

The Hon. C.J. SUMNER: No, but I am suggesting that the Act has been in existence since 1978 and is working satisfactorily.

The Hon. Diana Laidlaw: I thought you were a reformist Government.

The Hon. C.J. SUMNER: We are, and in South Australian terms this is pioneering legislation. I have been trying since 1977 to get it through but have not been able to because of the attitude of honourable members opposite. We have now overcome that problem. It seems to be overly bureaucratic to obtain two separate registers. I believe that a senior clerk of the Parliament, not in official terms but by convention, does that, and I would have thought that some arrangement could be made along those lines. Let us look at the persuasiveness of the Hon. Mr Griffin's argument during the Committee stages on that point. It seems pedantic.

The fifth point relates to penalties. There seems to be some suggestion that the penalties for improper use and unfair publication of the material are too light. I am prepared to look at that in the Committee stages. I accept that there is merit in the argument about maintaining privacy of the spouse or children of a member, not in so far as the interest is concerned but at least as far as the child is concerned. There is some merit in the argument put up by the Hon. Mr Griffin and the Hon. Mr Cameron. I believe that some compromise is indicated in that area.

The seventh point related to the disclosure of interests by a spouse. The Hon. Mr Griffin says that one should be compelled to make disclosure only in so far as it is known. That area could be looked at further in the Committee debate.

The Hon. K.T. Griffin: I raised the point of a married couple who are separated. In those circumstances it is onerous on the member to be obliged to search out information.

The Hon. C.J. SUMNER: I take the point that the honourable member has raised. There may be some scope to see whether the Act is adequate or whether it needs to be looked at. I accept that there may be difficulties in the sort of areas that the honourable member has indicated.

Finally, I refer to the question of liability. I accept the principle that liabilities should be disclosed. That does not seem an unreasonable proposition, although there may be some argument about the precise extent of liability. I do not think it should be as low as $500, which is the amount on the income side of the disclosure. During a member's time in Parliament his debts may need to rise and fall depending on his position at any given time. A member may have a bankcard debt of $2 000 or may purchase a motor car. The situation could alter substantially during the period of a year between one declaration and another. However, the principle is accepted. We ought to be looking at the substantial loans and liabilities such as mortgages.

As to the precise amount of disclosure, I am prepared to consider that argument in the Committee stages. I have covered the major points raised by honourable members in the debate. I thank them for their constructive approach to the Bill. I am pleased to see that it should be passed given that the principle has been accepted, and I look forward to the consideration of the Bill in the Committee stages.

Bill read a second time.

In Committee.

Clause 1 passed.

The Hon. C.J. SUMNER: In the light of the fact that amendments which need further consideration have been tabled by honourable members (both the Hon. Mr Griffin and myself), I ask that progress be reported. My understanding is that on 3 May we will deal with the remaining stages of the Bill, which will allow honourable members time to consider the amendments.

Progress reported; Committee to sit again.

REAL PROPERTY ACT AMENDMENT BILL

In Committee.

(Continued from 19 April. Page 832.)

Clauses 2 and 3 passed.

Clause 4—'The Assurance Fund.'

The CHAIRMAN: I point out to the Committee that clause 4, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed to be necessary to the Bill and any debate on this clause must await the return of the Bill from the House of Assembly.

Clauses 5 to 13 passed.

Clause 14—'Authority to register.'

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

Page 3, line 39—Leave out 'specified classes' and insert 'classes prescribed by regulation'.

My amendment seeks only to ensure that if the Registrar-General of Deeds is to be given absolute discretion to exempt instruments from the requirement for certification the classes of instruments are prescribed by regulation so that the regulation is on the public record and there is an opportunity to scrutinise that in the Parliament. The whole concept of certification required by the Real Property Act is an important requirement of the Act because it places a very significant obligation upon solicitors and land brokers to give a certificate that the instrument which is being lodged for registration complies with the requirements of the Real Property Act and that, as I say, is one of the significant and important requirements of the Act.

The responsibility for ensuring that the instrument is within the terms of the Act is not on the shoulders of the Registrar-General but on the solicitor or land broker certifying it. In the past, the sorts of documents to which the Attorney-General referred in answer to my questions on the Bill generally have been accepted as not being instruments, but since the introduction of the panel forms two documents are now treated as though they were instruments. In respect of the application for new certificates of title, once one could merely write a letter to the Registrar-General and one could get his new certificates, but now the panel form is there it has to be filled out in a particular way and, as I understand it, there is an endorsement on the certificate of title that that application has been lodged. It is given a number and treated in all respects as though it were an instrument.

The same applies to applications for division of land. I certainly supported the introduction of panel forms a year or so ago. I was Attorney-General at the time that it was approved. The application for the division of land has also been formalised and is now treated as though it were an instrument. To ensure that the Registrar-General does not broaden the ambit of the documents that he decides do not require to be certified, it is important that the classes in which he is to be given that discretion should be specified by regulation.

It does not hamper the Registrar-General. It puts on the public record the classes of documents or instruments where he is entitled to exercise his discretion and, personally, I cannot see that it would create any difficulty for the Government in the administration of the Act in any way.

The Hon. C.J. SUMNER: The Government is willing to accept the amendment. I was particularly convinced by the full exposition of the Hon. Mr Griffin. While I was a little reluctant at the beginning of his contribution, by the time he finished he had left me in no doubt that there were

compelling arguments in favour of the Government's acceding to his request.

Amendment carried; clause as amended passed.

Clause 15—'Solicitors and land brokers to be generally entitled to recover fees for work done under this Act.'

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

Page 4, line 13—Leave out 'Penalty: Five Hundred dollars' and insert new subclause as follows:

(3) Where a person considers that a solicitor or licensed land broker has, in contravention to subsection (2), charged any fees or costs for work done in relation to complying with a requisition, he may request the Master of the Supreme Court to tax the account of the solicitor or licensed land broker in order to ascertain whether such fees or costs have been charged.

Section 274 of the Act provides:

No person other than a solicitor or licensed land broker shall be entitled to sue for or receive any fees, costs, or charges for work done in reference to applications, transfers, or other dealings relating to land, nor to any right of set-off in respect of any such fees, costs, or charges, nor to any lien or right to retain any deed, paper, or writing which shall have come into his possession in reference to any such work.

The Bill seeks to provide that, where a requisition is made by the Registrar-General on any particular instrument lodged under the Act and the error in the instrument arose from the fault of the solicitor or licensed land broker, then the solicitor or licensed land broker shall not charge or recover any fees for costs of work done in relation to complying with the requisition. I have no quarrel with that at all. I would have expected that ethically legal practitioners and land brokers who had to perform work as a result of their own error would not charge for it and should not be entitled to recover.

The difficulty is the imposition of a statutory penalty that can require land brokers and lawyers, particularly in doubtful areas, to be hauled before the court. That aspect of prosecution is particularly harsh. My amendment is to remove the penalty and to provide that, where it is believed that any fee has been charged improperly, the matter can be referred for taxing to the Master of the Supreme Court. If there is wilful overcharging, it will be a matter for the disciplinary tribunals, either under the Legal Practitioners Act or the Land and Business Agents Act. There is that remedy there already. I support the principle of the Bill but desire not to have it enforced by way of penal sanction.

The Hon. C.J. SUMNER: The reason for having a penal sanction is to ensure that the principle that there should not be any charging for mistakes caused by the person carrying out the conveyance is enforced in some form or other. Clearly, the prosecuting authority investigating a matter would not take action against a legal practitioner or land broker if it was part of that grey area where there has been a genuine mistake, or the like. It is hard to prove such a case beyond very real doubt.

Only the most blatant cases would attract action by way of prosecution. The Hon. Mr Griffin has indicated an alternative method of dealing with it. I think that the question of getting these things taxed by a Master is probably somewhat difficult for the average person in the community, particularly as we are likely to be talking only about fairly small sums of money. The average conveyance is not all that much, and the added charge for a mistake made by a legal practitioner or a land broker may, be only around $25. The average person would probably say, 'What is the point of going through an elaborate taxing procedure before a Master in order to get that knocked down?'

I did feel that a tougher approach was needed to make it quite clear to practitioners and land brokers that if they were indulging in this practice there were potential criminal sanctions available against them. I am not going to force the issue. Clearly, if this did come up there would be a likelihood of disciplinary action being taken against the land broker or legal practitioner. I hope that those professions would not engage in the practice of charging for requisitions caused by their own mistakes.

While I really believe that the penalty made quite clear what was the Legislature's view of that practice, the prohibition of it is in the Bill and remains in the Bill, and it is only the method of ascertaining it that has been changed. I expect that if the Master did find that there had been overcharging of this kind, the appropriate authorities would take disciplinary action against the legal practitioner or the land broker either through the complaints committee of the Law Society of through the Land Brokers Disciplinary Tribunal.

The Hon. K.T. GRIFFIN: I thank the Attorney-General for indicating that support. I point out that there is a minor typographical error in the second line of new subsection (3) which presently reads 'in contravention to subsection (2)' and which should read 'in contravention of subsection (2)'

The CHAIRMAN: That will be noted.

The Hon. C.J. SUMNER: One matter that did occur to me in considering this issue is whether or not, if the Master finds that there has been overcharging, there ought to be some obligation on him to report that fact to the appropriate professional body. That is not in the Bill or in the honourable member's amendment, but it is a matter that I can consider and perhaps look at when the Bill returns to this Chamber, as it inevitably must because of the money clauses. It may be that there is a case for requiring the Master to report the fact that he has reduced a Bill. I can see that the Clerks are worried. I can amend the Bill or have it amended in the Lower House should that be an issue. I feel that it is worthy of further consideration, but I merely flag it at this stage for the consideration of the honourable member.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

TRANSPLANTATION AND ANATOMY BILL

Returned from the House of Assembly without amendment.

DEATH (DEFINITION) BILL

Returned from the House of Assembly without amendment.

LAW COURTS (MAINTENANCE OF ORDER) ACT AMENDMENT BILL

Returned from the House of Assembly with amendments.

ADJOURNMENT

At 5.47 p.m. the Council adjourned until Tuesday 3 May at 2.15 p.m.