LEGISLATIVE COUNCIL

Tuesday 18 October 1983

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

ASSENT TO BILLS

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

Correctional Services Act Amendment,
Fences Act Amendment,
Foot and Mouth Disease Eradication Fund Act Amendment,
Justices Act Amendment,
Licensing Act Amendment,
Parole Orders (Transfer),
Police Offences Act Amendment,
Prisons Act Amendment,
Stamp Duties Act Amendment.

STATE BANK REPORT

The PRESIDENT laid on the table the report of the Board of Management of the State Bank of South Australia for the year ended 30 June 1983.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) ACT

The PRESIDENT: Pursuant to section 5 (4) of the Act I lay on the table the Registrar's statement of September 1983 as prepared from the primary returns of members of the Legislative Council.

Ordered that statement be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Boilers and Pressure Vessels Act, 1968—Regulations—Fees.
Children's Protection and Young Offenders Act, 1979—Regulations—Appearance Form (Amendment).
Correctional Services Advisory Council—Report, October 1982-June 1983.
Dangerous Substances Act, 1979—Regulations—Fees.
Explosives Act, 1936—Regulations—Fees.
Fees Regulation Act, 1927—Regulations—Revocation of a Marine Dealer's Licence.
Industrial Safety, Health and Welfare Act, 1972—Regulations—Construction Safety Fees.
Industrial Safety Code Fees.
Commercial Safety Code Fees.
Justices Act, 1921—Rules—Summary Adjudications and Non-indictable Offences Fees.
Lifts and Cranes Act, 1960—Regulations—Fees.
Local and District Criminal Courts Act, 1926—Regulations—Local Court Fees.
Long Service Leave (Building Industry) Board—Report, 1982-83.
Marine Stores Act, 1898—Regulations—Dealer's Licence Fee.
Pay-roll Tax Act, 1971—Regulations—Employer Deductions.
Police Pensions Fund—Report, 1982-83.
Second-hand Dealers Act, 1919—Regulations—Licence Fees.
State Lotteries Commission of S.A.—Report of Auditor-General, 1982-83.
Supreme Court Act, 1935—Regulations—Fees.
South Australian Film Corporation—Report, 1982-83.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Advances to Settlers Act, 1930—Administered by the State Bank of South Australia—Revenue Statement, Balance Sheet and Auditor-General's Report, 1982-83.
Crown Lands Act, 1929—Regulations—Survey Fees.
Food and Drugs Act, 1908—Regulations—Various.
Health Act, 1935—Regulations—Private Hospitals, Nursing and Rest Homes.
Lyell McEwin Community Health Service—General By-laws.
South Australian Health Commission Act, 1976—Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—
Proposed Land Division of Part Section 185, Hundred of Louth.
Proposed Land Division by Engineering and Water Supply Department at Maitland.
Proposed Division of Land being Sections 545, 605, 606 and 607, Cobdogla Irrigation Area.
Proposed Land Division of Part Section 119, Hundred of Louth.
Proposed Land Division of Part Section 210, Hundred of Louth.
Proposed Land Division at Hallett Cove.
Erection of a Shelter Tank at Seaview Downs.
Proposed Toilet for Disabled Persons at Tantanoola Caves Conservation Park.
Proposal to Open a Borrow Pit at Section 92, Hundred of Comaum.
Erection of a Shelter Shed at Thorndon Park Primary School.
Proposed Land Division at Barmera to Create a Refuse Reserve.
South Australian Local Government Grants Commission—Report, 1983.
South Australian Urban Land Trust—Report, 1983.
South Australian Waste Management Commission—Report, 1982-83.
Supply and Tender Board—Report, 1982-83.
Surveyors Act, 1975—Regulations—Fees—Registration Fees.
Valuation of Land Act, 1971—Regulations—Fees.
City of Mitcham—By-law No. 5—Traffic.
West Beach Trust—Report, 1982-83.
South Australian Housing Trust—Report, 1982-83.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Agricultural Chemicals Act, 1955—Regulations—Registration Fees.
Boating Act, 1974—Regulations—Lake Bonney (South East).
Commercial Motor Vehicles (Hours of Driving) Act, 1973—Regulations—Fee for Log Book.
Country Fires Act, 1976—Regulations—Compensation for C.F.S. Volunteers.
Director-General of Education—Report, 1982.
Gas Act, 1924—Regulations—Fees for Certificates of Competency Examination.
Metropolitan Milk Board—Report, 1983.
Metropolitan Taxi-Cab Board—Report, 1982-83.
Pipelines Authority of South Australia, Report of Auditor-General, 1982-83.
Marketing of Eggs by the South Australian Egg Board—Report for year ended 2 July 1983.
South-Eastern Drainage Board—Report, 1982-83.

By the Minister of Fisheries (Hon. Frank Blevins):

Pursuant to Statute—

Fisheries Act, 1971—Regulations—Lobster Pot Fees.
Prawn Licence Fees (Zone D).
Prawn Licence Fees (Zone E).

By the Minister of Forests (Hon. Frank Blevins):

Pursuant to Statute—

Forestry Act, 1950—Proclamations—Part of Myora Forest Reserve Resumed.
Hundred of Riddoch—Portion of Mount Burr Forest Reserve Resumed.

MINISTERIAL STATEMENT: DISCLOSURE OF PARLIAMENTARIANS' INTERESTS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: The Members of Parliament (Register of Interests) Act, 1983, came into effect in June 1983. It required all members of Parliament to submit a primary return to the appropriate Registrar by 30 September 1983. It is the clear intention of the Act that members of Parliament should disclose the interests of themselves and the members of their family in the primary return. In the second reading speech, when introducing the Bill in the Legislative Council, I said:

> The Bill provides for a member to make a declaration in relation to the interests of himself, his spouse (and putative spouse) and children under 18 living at home.

The reason for having a register of interests is well known—the public is entitled to be assured that its elected representatives are discharging their public duties in a proper manner without regard to any private interests. A member could be actuated just as much by the private interests of the members of his family of which he is aware, as by his own interests, so the Act provides that the interests of the family should also be disclosed. If the interests of the family were not required to be disclosed, the artificial transfer of assets and income from the member to the family would provide an easy method for evading the registration requirements.

It was evident during debate on the Act earlier this year that there was cross-Party support for the principle of public disclosure of interests. It was the clear intention of the Parliament that legislation in the form put forward by the Government should be endorsed. The Bill passed the third reading in the Legislative Council with no division, and the division on the third reading in the House of Assembly resulted in only six votes against the Bill. At no stage were amendments moved to delete the fundamental requirements that disclosure should be both public, and by the member for himself and his family. In the Legislative Council the Leader of the Opposition (Hon. M.B. Cameron) stated (in relation to the disclosure of the interests of a member's family):

> I have no hesitation in disclosing any interests that they may have . . .

The only reservation from the Hon. Mr Cameron was that, in disclosing the interests of a member's family, no distinction need be made in the return between the interests of a member and his family. The honourable member stated:

> For that reason I believe that the indication by the Hon. K.T. 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.

The Government accepted the validity of the privacy considerations in this Opposition suggestion and I moved an amendment in the Committee stages to give effect to it. I have reiterated these facts to emphasise to the Council that careful consideration was given to this question by the Parliament and that in the final analysis the overwhelming majority of members accepted it.

Although at the third reading in the House of Assembly six members voted against the Bill, the fact is that a member of Parliament is not free to flout the laws of this State simply because that member voted against a measure during the course of its passage through Parliament. In view of the overwhelming Parliamentary acceptance of the Act and the repeated public demand for disclosure, it is hoped that all members will abide by the spirit of the Act.

I have written to those members of this Parliament who have made public comments concerning the information which they have supplied and which raise doubts as to whether they have complied with the legislation to fulfil the requirements of the Act. I have given them the opportunity to take such steps as they may be advised to ensure their returns comply with the Act and the clearly expressed intention of the Parliament of this State before further investigation is instigated.

The Solicitor-General, Mr M.F. Gray, Q.C., has advised me that the Act requires information to be given by the member concerning the affairs of the member's family where that information is known to the member. As Attorney-General, I have a responsibility to ensure that the law is upheld and, if investigations become necessary and reveal that a breach of the Members of Parliament (Register of Interests) Act, 1983, has occurred, then prosecutions under the Act will have to be instituted. The Act provides a penalty not exceeding $5 000 for failure to comply with the provisions of the Act. I have a responsibility to take whatever steps are necessary to ensure that the intention of Parliament is complied with.

As far as the Government is concerned, it is absolutely firm in its resolve that the clearly expressed intention of the Parliament should not be avoided. This will extend if necessary to amending the legislation to place a direct obligation on a member's spouse to provide the information required by the Act. Clearly this will not be necessary if all members comply by disclosing the interests of their family which are known to them. Obviously it is only those interests which are known to them which could influence their decision making. However, any suggestion that members are avoiding the Act by implying that their spouse will not inform them of their interests when clearly at least some of those interests would be known to the member will be met, if necessary, by placing a direct obligation of disclosure on a member's spouse. It would be unfortunate if this were found to be necessary because of the failure of a small number of members to comply with the Act. I trust that those members will reconsider their position and ensure compliance with the Act.

SAX REPORT

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to table the Report of the Inquiry into Hospital Services in South Australia.

Leave granted.

The Hon. J.R. CORNWALL: I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: When the Bannon Government was elected on 6 November last year it inherited a South Australian hospital system which was under siege. For more than three years, and in four successive State budgets, the Liberal Administration had waged war on our public hospitals. Morale was understandably low and public confidence had been severely eroded. Individual budget allocations to the major teaching hospitals had been reduced to the stage where administrators were facing more staffing cuts, not only by attrition but by sacking. South Australia, at that time, certainly faced a crisis in its major hospitals. One of my first actions on becoming Minister of Health was to negotiate with Treasury and arrange for budget supplementations involving nearly $5 million in extra funds, the bulk of which went to the major teaching hospitals. The Bannon Government not only found that extra $5 million in 1982-83 but preserved that additional supplementation in 1983-84. Obviously, the system has not yet entirely recovered. However, it is at worst in a state of robust convalescence.

It is mischievous and misleading, Mr President, to claim that there have been health cuts under this Government. In fact, we have taken the opposite course and supplemented budgets and, in the process, public confidence has been largely restored. Furthermore, we will continue to be relatively well placed when the final arrangements under Medicare are concluded. Because we have been able to negotiate on the basis of South Australia's cost sharing agreement with the Commonwealth, we are in a more favourable position than any other mainland State. However, supplementing global budgets, while urgent and important in the short term, is not enough. During the 11 months that I have been Minister of Health I have pressed hard for many reforms within the health system. I have initiated many projects and concluded many objectives. But, above all else, I have done everything possible to focus on patient care and quality assurance. I have attempted to have others in the system take up that issue with the same urgency. As an integral part of the Government's commitment to quality of patient care, the Sax Committee of Inquiry was established to chart new directions and to open new horizons in this field. On 20 January I announced the appointment of the committee to conduct the most wide-ranging investigation ever held into the South Australian hospital system.

I have tabled the committee's report for the information of honourable members. It is significant that at the beginning of its report, which I believe is an excellent document, the authors say:

> The characteristic and unusual feature of the 1983 inquiry into hospital services in South Australia has been its focus on the quality of care provided at hospitals in that State.

Again at page 27, Dr Sax and his colleague say:

> It appears to be without precedent for an inquiry to have an explicit brief to report on quality of care and we are aware of the pathfinding role this imposes upon us.

It should be a matter of some pride to all of us that in this area South Australia has the opportunity to be a world leader.

It must be made clear that at this point the report has only been noted by Cabinet and approved for release. It will now be the basis for discussion and consultation in the community and in the hospital system. Implementation of individual recommendations will be subject to the normal processes of Government consideration and, where appropriate, Parliamentary debate.

It would be something of an understatement to say that it is unlikely that all 224 recommendations will receive unanimous endorsement. On balance, however, I believe that it is an outstanding report. The authors themselves say in the introduction:

> We have taken the view that most individuals seek ready access to hospitals at times of need. They expect to obtain the highest quality of diagnostic and therapeutic services, concerned caring about the quality of their lives during and after episodes of hospital attention and a speedy restoration of functions that may have been impaired . . . Those goals cannot be achieved if cost cutting itself becomes the major objective. There is room for improved efficiency through careful, co-operative planning undertaken in an atmosphere of mutual trust.

I commend the report to the Council.

MINISTERIAL STATEMENT: SANTOS LIMITED

The Hon. FRANK BLEVINS (Minister of Agriculture): I seek leave to make a statement on the subject of Santos.

Leave granted.

The Hon. FRANK BLEVINS: In late July, Bridge Oil Limited purchased from Ansett Transport Industries that company's 14.86 per cent shareholding in Santos Limited. This transaction led to speculation that a breach of section 4 of the Santos (Regulation of Shareholdings) Act, 1979, might exist. Section 4 of the Act reads:

> No shareholder and no group of associated shareholders of the company is entitled to hold more than 15 per cent of the shares of the company.

The media speculation revolved around the position of Mr John Elliott, who is the Chief Executive of Elders IXL Limited and a Director of both the National Mutual Life Association and Bridge Oil Limited. In addition to the Bridge Oil interest in Santos already mentioned, National Mutual Life has a 13.07 per cent interest in Santos, and Elders IXL Limited holds a 20 per cent interest in Bridge Oil Limited.

Accordingly, on 28 July, the Minister of Mines and Energy referred the matter to the Attorney-General for an opinion on whether the apparent links between Bridge Oil, Elders IXL and National Mutual constituted a group of associated shareholders as defined in section 3 of the Santos (Regulation of Shareholdings) Act. Since then, the situation has been examined both by Crown Law officers and officers of the Corporate Affairs Commission. This investigation has revealed that there are not facts to substantiate a claim of association as set out in the Act; nor is there any information to substantiate a claim that the three companies mentioned are likely to act in concert with a view to taking control (of Santos) or otherwise against the public interest. On the basis of this advice, the Government believes there is no need for further action on this matter.

QUESTIONS

ADELAIDE CHILDREN'S HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Health a question about the Adelaide Children's Hospital.

Leave granted.

The Hon. M.B. CAMERON: Members will have been aware of, and many of them will have seen once again, the most extraordinary scenes that seem to occur when the Minister of Health goes on one of his famous entries into our hospital system.

An honourable member: Infamous!

The Hon. M.B. CAMERON: 'Infamous' I think is the word. In fact, he had the audacity to say in a statement a while ago that the Liberal administration had waged war on our public hospitals. If anybody has waged war on our hospital system and on the people within our health system, it is the present incumbent of the Ministry of Health.

His attitude towards people and towards institutions has now become quite notorious. As an Opposition, I suppose we should be pleased about that, knowing that the community would be turned right off the present Government by his behaviour. On this occasion the Minister took it upon himself to take exception to one person in that hospital system who had the audacity to write a letter about a certain situation in the Adelaide Children's Hospital. Dr Cornwall reacted, and the press report of his comments is as follows:

> He said that after studying the Sax Report he was satisfied there was no basis to an allegation by Dr Dutton that the Adelaide Children's Hospital Intensive Care Unit was operating above its capacity and, as a result, was unsafe.

I will have a question on that later. The Minister of Health then proceeded to express views about Dr Dutton that I found to be quite objectionable. Amongst other things, he said that Dr Dutton was an emotional man. No-one could be seen to be more emotional than the Hon. Dr Cornwall. In fact, some of his quotes in the paper make that quite plain. He almost reached the point of apologising to Dr

Dutton. He was quoted by a political reporter, Matt Abraham, as stating:

To the extent that I may have been hasty in my condemnation of Dr Dutton I would be quite stupid if I did not apologise.

I could not agree more with that.

The Hon. Frank Blevins: He was quite gracious.

The Hon. M.B. CAMERON: I do not think that was gracious—it was not quite enough. Later a person from the Health Commission went to Adelaide Children's Hospital; the Hon. Dr Cornwall had sent someone there to look into the situation, which prompted an interim report from Dr McCoy, Deputy Director, Central Sector, South Australian Health Commission, who went to the Intensive Care Unit in the calm of the night (after the Minister and everyone had settled down again) and found that there could be substantial stresses on staff at the unit.

That position is in direct conflict with the statement made earlier by the Hon. Dr Cornwall, indicating that he had read the Sax Report and found that there could be no reason for any problems. First, can the Minister advise the Council on which section of the Sax Report he based his 7 October statement, that is, that on studying the report there was no basis for Dr Dutton's allegations? Secondly, how can the Minister be satisfied that the Sax Inquiry has been a thorough and effective review of the hospital system in South Australia, which it purports to be and which the Minister has now claimed, when the report failed to point to the problems in the Intensive Care Unit of Adelaide Children's Hospital which the Minister himself has now acknowledged have existed?

The Hon. J.R. CORNWALL: I do not know where that quote came from—that I, having studied the Sax Report—

An honourable member: Your mouth!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —was satisfied that there were absolutely no problems at the Adelaide Children's Hospital—

The Hon. M.B. Cameron: I can provide you with the quote if you want it.

The Hon. J.R. CORNWALL: I would be pleased if the member would do so. That was a report in the *News* of Friday. There is no specific reference in the Sax Report to difficulties in the Intensive Care Unit of the Adelaide Children's Hospital, and that is hardly surprising. The Sax Committee brief, with the exception of the special inquiries that I asked it to do on the Julia Farr Centre and the accident and emergency departments (casualty departments) in each of our major metropolitan hospitals did not involve the committee's assessing quality of care delivered in each department in each hospital. It did involve their looking at mechanisms for distribution of budgets as between departments and units within individual hospitals but, as I say, with the exception of those particular areas where I had asked Dr Sax to specifically conduct investigations of individual departments (the accident emergency area and the Julia Farr Centre) it did not have a brief (nor would it have been possible in the time) to investigate every department in every hospital.

I would have thought that anyone who was bold enough or indeed brave enough to rise 10 minutes after the Sax Committee Report had been tabled in this Council and try to denigrate the quality of that report was being not only brave but also extremely foolish. The Sax Report is an outstanding document. It is the first time in Australia, and one of the first times in the world, that an inquiry has been given a specific brief to look at a whole range of quality of care issues. That is the thread that runs right through it.

In regard to the second question, the honourable member tried to reflect on the Sax Committee before he even had the opportunity to read the first page. Therefore, I will not dignify it with a more lengthy reply.

TRANSPORT OF DECEASED PERSONS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Attorney-General a question about the certification and transportation of deceased persons from the scene of an accident.

Leave granted.

The Hon. J.C. BURDETT: I have been advised that, whereas in the past the St John Ambulance Service has frequently carried deceased persons in country areas, this will now be done, by the direction of the Government, by country undertakers. This, I understand, is the result of a contract between the Attorney-General and undertakers so that, if a person is deceased at the scene of an accident, the body is to be left for the undertaker to transport. It appears to me that this will give rise to a number of difficulties, and there have been some instances of these. For example:

1. Who at the scene of an accident certifies death, because a medical practitioner may not be in attendance?
2. If a person has not been certified by a medical officer as being dead, who carries out the transportation of the deceased person—the undertaker or St John?
3. What role does the St John Ambulance Service have in removing from the scene of an accident or from any other place patients who may be believed to be dead but not certified as such?
4. Where the St John Ambulance transports a person not certified as being dead, but subsequently found to be dead, what arrangements exist for the payment of the St John Ambulance Service? I am informed that there have been problems in this area.

The Hon. C.J. SUMNER: I will have the matter inquired into for the honourable member. In regard to the situation of the St John Ambulance Brigade and the undertakers, my recollection is that the problem has arisen as a result of police officers not wishing to be responsible for the transport of bodies following an accident. For that reason, arrangements were made for undertakers to transport the bodies in those circumstances. I would not think that that would interfere with the immediate situation following an accident or the role of the St John Ambulance in regard to the situation immediately following an accident.

The problem in the past was that the police, following an accident or following certification of death, were responsible for transporting bodies. The police thought that that was not their role and that there ought to be some alternative arrangement. This arrangement dealt with the question of having the body transported by the undertaker. I do not believe that that interferes with the rights of the St John Ambulance Brigade in the role that it has played at accidents in the past. The honourable member raised a number of specific questions. I have answered in the generality, but I will certainly obtain the specific answers and bring back a reply as soon as possible.

WASTE MANAGEMENT COMMISSION

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Local Government, a question about the Waste Management Commission.

Leave granted.

The Hon. K.T. GRIFFIN: I have previously raised questions in the Council in respect of the Waste Management Commission's treatment of an application by Re-Use-It Pty

Ltd for a waste disposal licence at Wingfield, and have catalogued the problems that the Commission has placed in the path of the company, of which one of the promoters is Mr Bill Chernabaeff, in its attempts to obtain a licence. In respect of this matter it is appropriate to note that two appeals in respect of that licence have, in the past few months, been allowed in favour of the company—one against a decision of the Waste Management Commission purporting to revoke the licence of Re-Use-It Pty Ltd, the other disallowing a third party appeal against the licence.

The saga in respect of that matter is continuing. However, there is another saga, this time relating to an application by Mr Chernabaeff and his wife for a licence in respect of part section 3073 in Pellew Road, Virginia. On 7 July 1980, over three years ago, Mr and Mrs Chernabaeff lodged an application with the Waste Management Commission for a depot licence. They paid a fee for which a receipt was issued. That was the last of the application until a month or so ago. Notwithstanding frequent contact by Mr Chernabaeff with the Waste Management Commission, the application was not processed. Various excuses were offered: first the file was lost; then it was found; then it was a matter of merely sending out the licence; then more information was needed.

In fact, Mr Chernabaeff provided various information to the Commission at a very early stage. That included approvals or authorisations from the local council and the E. & W.S. Department. Within the past month the information was all supplied again. The Waste Management Commission's recent letter to the agent of Mr and Mrs Chernabaeff said that that material had not previously been 'sighted . . . nor is any of it on the Commission's files'. One notes that the Commission does not say that it has never received this information.

On 4 October 1983 the Waste Management Commission wrote to the agent for Mr and Mrs Chernabaeff saying that it still had not granted the licence and that they would have to provide updated approvals and comments from the local council, the E. & W.S. Department, the Department of Mines and Energy, and the R.A.A.F. at Edinburgh as to 'their respective requirements in relation to the proposed waste disposal depot'. Understandably, Mr and Mrs Chernabaeff feel that they are the victims of bureaucratic bungling and unnecessary delay, and that after three years they are still getting nowhere. They wonder what is behind the Commission's attitude to them on this application, particularly in the light of their experience of the Commission in respect of the delay in Re-Use-It's licence application. Accordingly, I ask the Minister the following questions:

1. Will the Minister investigate the problems within the Waste Management Commission in respect of both applications?

2. Will the Minister give a direction to the Commission under section 8 (3) of its Act compelling it to give top priority to the application of Mr and Mrs Chernabaeff in view of past delays?

3. Will the Minister ensure that the Commission removes all obstacles to the application as a matter of urgency?

The Hon. J.R. CORNWALL: I will refer the honourable member's questions to my colleague and bring down a reply.

SIR ROBERT HELPMANN

The Hon. C.M. HILL: I seek leave to make a short statement before asking the Attorney-General, representing the Minister for the Arts, a question about Sir Robert Helpmann.

Leave granted.

The Hon. C.M. HILL: There is a strong feeling amongst people who support or are closely associated with the arts that the name of Sir Robert Helpmann (perhaps this State's most famous artist, arts administrator and mentor) should be appropriately commemorated within South Australia in a manner befitting such a famous son of this festival State. Suggestions have included the naming of a room or foyer within the Adelaide Festival Centre after him or his statue being commissioned and placed ultimately in a suitable, selected position.

The bestowal of such a high honour, in my view, should be made as soon as possible so that Sir Robert and his family can enjoy the fully justified satisfaction and pleasure of such recognition. Will the Government take early action to recognise Sir Robert Helpmann and his contributions to the cultural life of both this State and the nation? Will the Minister also indicate the method by which the Government will accomplish this objective?

The Hon. C.J. SUMNER: I do not wish to deny anything that the honourable member has said in relation to Sir Robert Helpmann's contribution to the arts in this State and, indeed, nationally. I have no personal knowledge about whether the Government or the Minister has plans to recognise Sir Robert Helpmann, beyond the already considerable recognition that he has received internationally and in this State. However, I will refer the honourable member's suggestion to the Minister for the Arts and bring down a reply.

O-BAHN

The Hon. I. GILFILLAN: My question to the Minister of Agriculture, representing the Minister of Transport, hardly needs any introductory statement. It appears that there has been some conflict of advice given to the Department in relation to some of its decisions. For the information of the public and members of this place, I ask the Minister the following questions:

1. What is the itemised cost of the major components of the north-east busway project to date and how do these costs compare with the original estimate of $42.5 million in 1980?

2. *(a)* On whose advice was the use of the O-Bahn guideway for the project extended from the original river section (Park Terrace, Gilberton to Lower Portrush Road, Marden) to encompass the whole corridor to Tea Tree Plaza?

(b) On whose advice has it now been suggested that the busway beyond Darley Road be built as a conventional paved roadway in lieu of the O-Bahn guideway?

(c) What is the reason, in each case, for the contradictory amendments to the mode of operation of the busway being made?

3. Considering the proposed operational speed of 100 km/h on the north-east busway (apparently vehicles will be entering and leaving the facility at the discretion of the drivers) is any form of signalling proposed—for example, similar to the safeworking procedures used on railways?

4. Has the Government yet decided what route the O-Bahn will take in the city and where the terminals will be located?

The Hon. FRANK BLEVINS: I will be happy to refer the honourable member's questions to my colleague and bring down a reply.

COMPUTERS

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of 4 August on computers?

The Hon. FRANK BLEVINS: In response to the honourable member's question concerning computing as a sub-

ject in schools, I am advised by the Minister of Education that the majority of high schools offer a computer awareness course to all students during the years of compulsion based on a course produced at the Angle Park Computing Centre. In 1982 some 16 000 students took a computer awareness course of this type, with the participation of girls being at the same level as the proportion of girls in the junior secondary years. The courses offered vary in content and emphasis from school to school, consistent with the Education Department's policy for school based curriculum development.

At the senior school level, there are recommended year 11 and year 12 Secondary School Certificate computer studies courses. There are two schools taking the S.S.C. course this year (the first year in which it has been offered). At Banksia Park High School there are nine girls and six boys and at Craigmore twelve boys and eight girls, that is, approximately equal numbers by gender. In the time available, it has not been possible to obtain a detailed analysis of the year 11 situation. The statement that 'computing tends to be treated as a hobby subject' is not borne out in practice with some 30 networks of computers, each costing $20 000-$25 000 with an average of 10 work stations per network either installed or on order by schools. This is in addition to several hundred stand-alone micro-computers. This equipment is used for computer studies, for business education and increasingly, in a wide variety of other subjects, notably English, where the participation of girls with computing in the subject is in keeping with the participation in the subject area.

Nearly every high school now has at least one microcomputer and most of these schools use the equipment to teach about computers or as a teaching/learning aid in the broader curriculum. The money that has been allocated to a 'national computers in schools' programme in the Government's guidelines to the Schools Commission is $6 million per year—$4.8 million for Government schools, $1.2 million for non-government—for a period of three years. The Commission has set up a National Advisory Computers in Schools Committee to assist it to develop a programme for the allocation of these funds. When the Federal Minister for Education and Youth Affairs has received advice from the Schools Commission, she will announce the specific details of the computers in schools programme. In the meantime, it should suffice to note that the national committee and its six technical working parties have appropriate membership and briefing to ensure that problems associated with inequity of all kinds, not just that associated with gender, are given the attention they deserve. For 1983, a project officer with the Equal Opportunities Unit is located at Angle Park Computing Centre to undertake a study of girls and computing. Findings from this study will be taken into account in future programmes.

SAFETY OFFICERS

The Hon. K. L. MILNE: Has the Minister of Agriculture a reply to a question I asked on 13 September about safety officers?

The Hon. FRANK BLEVINS: In responding to the honourable member's question regarding the appointment of a safety officer to the staff of the Department of Agriculture, I wish to make the following points:

1. The position of Safety Co-ordinator in the Department of Agriculture has been vacant since 2 July 1982.

2. Under the provisions of the Industrial Safety, Health and Welfare Act (as amended) there exist for employers statutory obligations towards ensuring compliance with the Act and insuring the health and safety of workers. As the Act is binding on the Crown, several departments of the Public Service, depending on their size and the nature of their operations, have appointed one or more safety specialists to assist in managing compliance with the Act.

3. The Department is under no statutory obligation to provide a safety service to the rural community in South Australia. Service provided in the past has been part of the Department's broader-based extension effort.

4. In relation to the extent of the safety problem in the rural community, the situation is considered to be substantially as indicated by the honourable member in his question. However, as farmers are not required to report accidents unless employed persons are involved, very little reliable information is available. The only published data relates to a survey undertaken in 1968-70 in County Gawler, where it was found that the average lost time for each of 68 on-farm accidents was 49 days.

5. A submission proposing reclassification and filling of the safety position in the Department of Agriculture has been referred to the Public Service Board. The Department expects to be advised of the outcome by the end of this month. Pending future action, the safety function has been and is being maintained on a part-time, response-only basis.

TREE CUTTING

The Hon. K.L. MILNE: Has the Minister of Agriculture a reply to a question I asked on 21 September about tree cutting?

The Hon. FRANK BLEVINS: The replies are as follows:

1. The Electricity Trust is already subject to the Planning Act, 1982 for new transmission lines (33 000 volts and over) and may be required to prepare an environmental impact statement for such lines. For new distribution mains (11 000 volts) in roads and streets, the agreement of the local council and other relevant authorities is always obtained.

2. The Trust has close liaison with the Department of Environment and Planning and with the local councils and other authorities concerned in respect of routine tree cutting needed to maintain safe clearances from existing power lines. In addition, expert advice is sought when needed from officers of the Botanic Gardens. The Trust is also a member of the Roadside Vegetation Committee, which is concerned with the preservation of native flora in road reserves.

3. The Electricity Trust is fully aware of the regulations under the Planning Act relating to clearance of native vegetation and, although it is exempt from these regulations in respect of clearing required to maintain safe clearances from existing power lines, nevertheless it still aims to meet the requirements of the regulations as far as reasonably practicable.

4. Any action that may need to be taken following the coronial inquiries into the bushfires can only be determined when the outcome of those inquiries is known and it would not be proper to presume upon what the outcome might be at this stage.

5. The cutting of trees in Sims Road and Hurling Drive, Mount Barker was done in accordance with routine instructions on tree cutting issued at senior management level and followed procedures agreed at a regional level with the Mount Barker council.

6. See 2 above.

7. The citizens of Mount Barker and elsewhere can be assured that the Electricity Trust will continue to exercise the proper degree of care in keeping the extent of tree cutting it has to carry out to minimum level consistent with its responsibility to maintain a safe and reliable electricity supply.

8. Refer to above answers.

In addition, the General Manager of the Electricity Trust would welcome an opportunity to show members of Parliament its tree-cutting practices and any member interested is invited to contact him to enable arrangements for a field inspection to be made.

SAX REPORT

The Hon. R.J. RITSON: Will the Minister of Health advise on what date he first read the Sax Report?

The Hon. J.R. CORNWALL: I must be very careful, because I do not want to mislead the Parliament. I told the Parliament some weeks ago that I was going to Surfers Paradise and that I was taking the draft report with me. That was the first draft and I cannot recall precisely when that was.

The Hon. Frank Blevins: Was it a sunny day?

The Hon. J.R. CORNWALL: The weather was reasonable and it was during the second week of the school holidays, as I was accompanied by my two youngest daughters. I would not want to be more precise than that, as I have an enormous respect for the Westminster tradition and I would not want to mislead the Parliament in any way. At the time I had the final draft of the Sax Report, and I guess that that was perhaps five weeks ago.

MINISTER OF HEALTH

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question on the behaviour of the Minister of Health.

Leave granted.

The Hon. L.H. DAVIS: On 11 October the Minister of Health (Hon. Dr Cornwall) attacked Dr Dutton, a senior full-time staff specialist at the Adelaide Children's Hospital, for publicly expressing concern about inadequate staffing of the intensive care unit at the Adelaide Children's Hospital.

The Minister called Dr Dutton a 'maverick' and 'an unhappy malcontent'. It is, of course, a matter of record that a subsequent inquiry justified Dr Dutton's comments. On the following day, 12 October, the *News* reported an interview with the Chairman of the Dental Practitioners Association, who described Dr Cornwall as 'unapproachable and aggressive'. Dr Gerke is quoted as saying that Dr Cornwall said he would not put in writing what he thought but that if he met him on the street one day he would well and truly tell him what he thought. Dr Gerke is quoted further as saying that it may not be unparliamentary but it is improper for a Minister to carry on in the way that this Minister does.

Hansard, which is also a public document, records the verbal abuse and ill-tempered outbursts of the Minister of Health which see members of the Government squirming with discomfort. Does the Leader of the Government in this place condone the Minister of Health's regularly ill-mannered, aggressive, abusive and inappropriate behaviour when dealing with respected and responsible leaders of the health profession as, increasingly, both health professionals and the community at large see this as conduct unbecoming?

The Hon. C.J. SUMNER: This matter has been the subject of debate in this place by Government members on another occasion.

The Hon. L.H. Davis: This has happened since then.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Mr Cornwall has explained publicly certain matters that have occurred since that debate. As far as I know, the Hon. Dr Cornwall, as Minister of Health, is adopting an aggressive approach to his portfolio and I think that all South Australians would be grateful that he is doing that, because there is no question that he is getting things done in the health area or that he is aggressive in promoting the interests of people in South Australia who have cause to use the health services in this State. I do not believe that he or I have to make any apology for that.

SOLAR HEATING

The Hon. K.L. MILNE: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question about solar heating.

Leave granted.

The Hon. K.L. MILNE: A constituent contacted me complaining that, after buying a solar hot water system and spending $1 200 to have it installed, he now has to pay an extra $1.80 per month for the hire of a meter to record his 'supplementary use of power'. This is a normal and established ETSA charge and one that has applied for some time, but recently the matter was again brought to my notice. The Government has indicated, as have most people, that it is in favour of solar energy. However, this cost is not consistent with that encouragement. This charge of $21.60 per annum would be of little benefit to the Trust. One must remember that solar heating, whilst saving electricity, only saves in regard to that part of the electricity consumed in heating water, which often involves only about 25 per cent or 30 per cent of total cost. Also, the installation has a capital cost which is subject to depreciation and is thus an additional cost on the consumer. Therefore, for many people the benefit of installing a solar hot-water heater is marginal and an imposition of any extra charge such as the one reported to me will discourage the trend towards the use of solar power.

Will the Government reconsider this matter and ensure that people are encouraged to install solar water heaters? Does the Government acknowledge the benefit of solar hot water systems for all South Australians by conserving a non-renewable energy resource? If so, will the Government take the necessary steps to ensure that consumers of electricity who take positive steps to install a solar hot-water system are not discouraged from doing so by the imposition of extra charges by ETSA, and will it endeavour to have these charges removed?

The Hon. FRANK BLEVINS: I seem to remember that a similar question was asked by the Hon. Ms Levy some time ago. However, I will endeavour to obtain this answer again for the honourable member from my colleague in another place.

WATER SALINITY

The Hon. H.P.K. DUNN: Has the Minister of Agriculture a reply to my question of 25 August about water salinity?

The Hon. FRANK BLEVINS: The Minister of Water Resources informs me that water from the Tod Reservoir is blended with water from the Uley South groundwater basin to maintain a salinity level that complies with World Health Organisation standards for drinking water. Average salt levels in the blended supply are lower than those quoted in the media and recent peak levels have also been less, including those for Tod Reservoir. No warnings of high salt content have been given as it was and still is considered by the Health Commission that there is no threat to public health. In these circumstances it is considered that no announcements are necessary.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) ACT

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Members of Parliament (Register of Interests) Act.

Leave granted.

The Hon. R.I. LUCAS: The Attorney-General indicated in his Ministerial statement today that, if certain members of Parliament did not comply with the provisions of this Act (and I have tried to recall the Attorney's exact phrasing), he will institute legal action—I think that is a fair description of what the Attorney said—under the terms of the Act. Will the Attorney-General indicate to the Council, or if he cannot indicate directly will he bring back a reply, what would happen if a member of Parliament refused to pay any fine imposed for non-compliance with the Attorney-General's further request to supply the information sought and, specifically, whether such further non-compliance would result in such a member of Parliament forfeiting his or her seat in the Parliament under the terms of the Constitution Act?

The Hon. C.J. SUMNER: What I said was that I have a responsibility to ensure that the law in this regard, as in other regards, is upheld. I said that, if investigation becomes necessary and reveals that a breach of the Members of Parliament (Register of Interests) Act has occurred, then prosecutions under that Act will simply have to be instituted. At this time those investigations have not been carried out, because I have chosen to write to the members who have indicated that they may not comply with the suggestion that they reconsider their position. However, if it appears that breaches of the Act have occurred and continue to occur, I will have no alternative but to have the matter investigated officially and to obtain statements, and, if a breach is revealed, I will have no choice but to proceed with action under the legislation. I also made clear in my Ministerial statement that if these sorts of methods are being used to avoid the legislation then the Government is absolutely and unequivocally committed to ensuring proper disclosure. If necessary, we will introduce legislation requiring a spouse to disclose particulars. However, it should not be necessary, because what is important is what is known to the member involved.

If the member discloses those interests of his or her spouse which are known to the member then that ought to be the position because that would be information that could influence the member in the exercise of the member's duties.

The Hon. K.T. Griffin: Your statement goes much further than that.

The Hon. C.J. SUMNER: In what sense?

The Hon. K.T. Griffin: It says that even if a member discloses that information which is known, and it may not be—

The Hon. C.J. SUMNER: No. My statement says quite specifically that if the Act is complied with there will be no need for further action. I want to make absolutely clear to the Parliament that the Government's resolve in this matter is quite firm and that we will ensure, by the introduction of legislation, if necessary, that the Act is complied with. What would flow from a successful prosecution would be a fine, but it is a summary offence and my impression is that that would not mean forfeiture of a seat in Parliament.

The Hon. R.I. Lucas: Is that the Crown Solicitor's advice?

The Hon. C.J. SUMNER: I have not obtained any specific advice on the matter, but that is my understanding of the Constitution Act.

SOUTH AUSTRALIAN SUPERANNUATION FUND

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the South Australian Superannuation Fund.

Leave granted.

The Hon. DIANA LAIDLAW: In Tokyo on 3 October last, the Premier signed a joint agreement for the construction of a convention centre, hotel, office block and other facilities above the Adelaide Railway Station platforms. He advised that Kumagai Gumi would invest $80 million in the project and that the South Australian Superannuation Fund would provide $60 million in loans and equity. Will the Premier advise what level of return the Superannuation Fund anticipates receiving on its large investment in this project?

The Hon. C.J. SUMNER: I will obtain the information for the honourable member.

FEMALE APPRENTICES

The Hon. ANNE LEVY: Has the Attorney-General an answer to the question that I asked on 11 August about female apprentices?

The Hon. C.J. SUMNER: Prior to our election to government we, *inter alia*, expressed our concern at the rundown and reduction of effort in the South Australian public sector with respect to the recruitment and training of apprentices. Accordingly, our youth policy programme made the commitment to conduct a full review of the existing system of recruitment, training and funding procedures.

In August 1983, Cabinet approved the setting up of a representative interdepartmental committee to carry out such a review. The review committee is made up equally of men and women and its terms of reference are as follows:

(1) Review current Government recruitment and selection procedures for apprentices and advise on whether improvements can be made.

(2) Review current practice with respect to recruitment of pre-vocational graduates and advise Government on policy options with respect to employment of pre-vocational graduates.

(3) Review current practice with respect to employment and training of female apprentices and advise Government on the options as to how the number of females in training can be increased.

(4) Identify any occupations and any Government departments where training effort could be increased.

(5) Assess whether Government departments have been claiming Commonwealth CRAFT subsidies.

(6) Assess whether it is desirable to establish a Government off-the-job training centre.

(7) In consultation with Treasury, assess the various options for funding the training of Government apprentices.

It is intended that a final report should be made not later than March 1984. Most certainly, the committee will be making affirmative recommendations to Government concerning the issue of increased recruitment of women and pre-vocational graduates in the public sector.

In view of the foregoing, it is not possible at this time to give a precise indication or forecast with regard to the expected percentage of women to be taken on as apprentices by all Government departments in 1984. However, all departments employing apprentices have been informed that a full review of the system is to be undertaken and that the issues of recruitment of pre-vocational graduates and women

will be two important areas which will be the subject of affirmative policy recommendations.

In the meantime, I have been informed that the Department of TAFE will appoint a project officer in the very near future, specifically to assist the women who are currently undertaking pre-vocational trade based courses to find suitable employment as apprentices in those trade areas for which they have been training. In this regard I have requested Ms Beverly Good, Women's Labour Adviser, Department of Labour (who originally set up and recruited the women for these courses), to assist in this process with a view to placing as many as possible in the public sector in 1984.

The Hon. ANNE LEVY: I wish to ask a supplementary question. In view of the reply that the Minister has just given, will the committee, the establishment of which Cabinet has approved, extend its inquiries and recommendations not only to Government departments but also to statutory authorities such as the Electricity Trust? I was appalled recently to learn that the Electricity Trust in Port Augusta has no female apprentices and no plans for having any in the near future.

The Hon. L.H. Davis: They have not applied; that is why.

The Hon. ANNE LEVY: Yes, they have.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I will convey the honourable member's suggestion to the Minister of Labour.

MINISTERIAL OFFICERS

The Hon. J.C. BURDETT: I ask the Minister of Agriculture Questions on Notice Nos 1 to 5.

The Hon. FRANK BLEVINS: As I do not have the answers to those questions, I request the member to put them on notice for another day.

Members interjecting:

The Hon. Frank Blevins: He wants young girls' names, and I want to know why.

The PRESIDENT: Order!

The Hon. Frank Blevins: He wants young girls' names.

The PRESIDENT: Order! The Minister will desist.

The Hon. J.C. BURDETT: I am sorry that the answer has not been provided, because we have not been sitting for about three weeks and the information would have been readily available. I place my questions on notice for Tuesday next.

I ask the Minister of Health Questions on Notice Nos 6 to 9.

The Hon. J.R. CORNWALL: As the replies to the questions are not yet available, I ask the member to put his questions on notice for another day.

The Hon. J.C. BURDETT: I ask the Attorney-General Questions on Notice Nos 10 to 13.

The Hon. C.J. SUMNER: I can assure the Council that Herculean efforts are being made to provide answers to these questions but unfortunately, despite the best efforts of all concerned, they are not yet available. I think that they are pending.

SPLATT ROYAL COMMISSION

The Hon. K.T. GRIFFIN (on notice) asked the Attorney-General: In relation to the Splatt Royal Commission—

1. What has been the cost to the Legal Services Commission of the preparation of the Moran Report?

2. What is the total of costs of the Legal Services Commission in representation of Splatt up to the date of the commencement of the Royal Commission?

3. How many sitting days has the Royal Commission been occupied up to the present time?

4. How much per day are the solicitor and two counsel for Splatt being paid and what are they paid for work out of the formal hearings of the Royal Commission and what are their costs to the present time?

5. When is the Royal Commission likely to conclude?

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

1. Total cost, including counsel and solicitors, expert consultants advising, travel costs and all other costs and disbursements paid by the Legal Services Commission in the preparation of the Moran Report amounted to $54 999.98.

2. The total of costs of the Legal Services Commission under the Legal Assistance Scheme in representing Splatt amounted to $51 643.44.

3. As at 5 September 1983 the Commission had occupied 100 sitting days.

4. Fees per day—Junior Counsel $275—Senior Counsel $370. Conferences $90 per hour. Total fees—Counsel for Splatt until June 1983, $34 490.17; July/August 1983, $35 386.91.

5. It is estimated that the evidence should be completed within about two months.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 21 September. Page 973.)

The Hon. J.C. BURDETT: I oppose the second reading of this Bill. When the South Australian Health Commission Act first passed, the constitution of the Commission was not precisely as the late Sir Charles Bright envisaged it. It would, of course, be possible to have a Commission and to retain the centralised powers of a Director-General but there would be little or no point in doing so. The constitution of the Commission as envisaged by the present Bill with its strong emphasis on management, derived from the Alexander Report, does really make the Commission do just that—namely, to retain the centralised powers of a Director-General.

While I appreciate what the Alexander Report has said about management, I suggest, with respect, that the inquiry overlooked the fact that the main object in establishing a Health Commission is to decentralise, as far as possible, the power structures. There should be a centrifugal effect. A Commission should be analogous to a federation. A health system like ours should be a system of orderly distribution of health care, limited by fiscal constraints, so that the total money available is used to 'best advantage', and 'best advantage' goes to the type of care as well as the quality and the distribution.

This Bill would have the effect of centralising—not decentralising—the power structure. I note from the Minister's second reading explanation that the Alexander Committee was part of the general review of Government management and operations. It was therefore expressly commissioned to look at management, and it is not surprising that it concentrated on this facet and overlooked the main objective of a Health Commission—namely, to decentralise the power structures.

Good management is essential, of course, but this can be achieved through a department. A Health Commission, structured as it is presently structured, following the amending Act of 1980, not only fulfils the essential object of a Health Commission but also provides a structure which is

perfectly capable of good management, and it has in fact produced good management. The Commission contemplated by the Bill comprises two full-time Commissioners, the Chairman and Deputy Chairman. The three part-time Commissioners as announced by the Minister comprise a public servant, a financial expert (which is excellent, of course) and a medical administrator. This makes for minimum input into the Commission by health professionals, and I suggest that that is bad. It is a shame to lose the expertise of a wider representation of health professionals, and it is also important, of course, that a wider range of persons representing the health services represent a proper communication between the Commission and the health service providers.

At the present time, there is one full-time Commissioner (the Chairman and Chief Executive Officer) and seven part-time Commissioners. These have included doctors, dentists and other health service providers. They have made a considerable input into the Commission. They maintain a link between the professionals and the Commission. As they retire and go back full time into their professional practice and are replaced, a reservoir of people in the health sevices who are or have been Commissioners will be built up, and this will greatly improve relationships between health services and the Commission. Of course, it is essential that this good relationship should exist.

In considering what the constitution of the Board should be it is essential to have regard to sections 15 and 16 of the principal Act and the relationship between them. Section 15 reads:

> In the exercise of its functions the Commission shall be subject to the general control and direction of the Minister.

This section stands on its own and is not expressly stated to govern any particular part of the Act. Section 16 sets out the very comprehensive powers of the Commission, and section 15 does not purport to take those powers away from the Commission. The Minister acts (except where he is given personal powers by Statute) through the Commission.

The exact meaning of the apparently simple section 15 (the powers of the Minister) and section 16 (the powers of the Commission) may well have to be determined one day. But I suggest the following:

1. Where the Commission, in the absence of a contrary direction from the Minister, issues a direction within any of the powers specified in section 16, the person or body receiving the direction is bound by it. Even if the Minister subsequently disapproves of its direction, the direction remains in operation until the Commission withdraws it.
2. Where the Commissison, in the absence of a contrary direction from the Minister, enters into a contract with a third person, this contract remains valid even if the Minister subsequently disapproves of it.
3. Where the Commission, even in contravention of a direction to it from the Minister, enters into a contract with a third person, that contract may well be valid, provided the third person did not know of the prior Ministerial direction. It may be valid even if he did know, because a Ministerial direction may perhaps not act to withdraw power.

It is when one looks at the very great powers of the Commission, greater than the powers generally of a Director-General in relation to a Minister, that one recognises that it is necessary to see that these powers are not exercised by a small centralised body as in the Bill, but should be exercised by a more diverse body as in the present Act.

The Bill also seeks to abolish the Health Services Advisory Committee. It is true that this Committee has not been much used, but I believe that it could be used (as it was intended to be) to involve the general health community in the work of the Commission. If the Commission is to be reduced in size as provided by the Bill, and is to be structured as proposed by the Minister, there would be practically no avenue for input by the health community into the Commission. The issue of just how you structure the Commission is not one of blacks and whites. The size and structure of any board, commission, committee or similar body is always open to argument. What suits one body may not suit another. The constitution of any body must be tailored to its individual requirements. Because of the objects of a Health Commission as I stated them before, I believe that the present set-up is more suitable than that proposed by the Bill. I oppose the second reading of the Bill.

The Hon. L.H. DAVIS secured the adjournment of the debate.

STATUTES REPEAL (HEALTH) BILL

Adjourned debate on second reading.

(Continued from 21 September. Page 974.)

The Hon. J.C. BURDETT: Because it simply repeals certain redundant Statutes, I support the second reading of the Bill.

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

BUDGET PAPERS

Adjourned debate on motion of Hon. C.J. Sumner:

That the Council take note of the papers relating to the Estimates of Receipts and Payments, 1983-84.

(Continued from 22 September. Page 1026.)

The Hon. R.J. RITSON: In speaking to the motion I will confine myself to the health budget. This is an area in which I believe we will see major crises developing, particularly with the advent of Medicare. As the Council knows, members on this side of the Chamber have for some weeks been asking questions about small but significant cuts in health services with particular reference to the Royal Adelaide Hospital. I draw the Council's attention to a most remarkable series of answers given by the Minister, indicating that he may have done something which he purports to always take great care not to do, namely, to mislead this Council.

The story began when I asked the Minister some questions on cuts in the number of surgical sessions at the Royal Adelaide Hospital. On 10 August, in reply to that question, the Minister stated:

> There is no question of cuts, we have met our promises in that respect.

I persisted with that line of questioning, as did my colleagues. Further questions were asked on this subject by Mr Davis, Mr Cameron and me. Dr Cornwall continued to insist that not only had there not been any cuts in surgical sessions at the Royal Adelaide Hospital but that the teaching hospitals had been boosted by funds specifically to provide for 300 additional staff. On 18 August *Hansard* records that Dr Cornwall stated, in regard to the alleged 300 additional staff:

> They were specifically provided for in a Budget supplement of $4.8 million.

As members no doubt recall quite vividly, the Minister then went through a series of backdowns. On 24 August, in reply to Mr Davis, the Minister stated:

> I have to inform the Council that the 300 additional employees were an illusion of the computer . . .

He then went on to explain how the computer had given a false impression due to methods of equating staff with pay packets when, in fact, staff received pay in advance prior to leave and such information disappeared from the record. Certainly, the explanation was quite satisfactory to me and I am sure the error was in good faith. The fact of the matter is that Dr Cornwall still seems to believe that there had been no cuts and that there was some specific boost to the hospitals late last year to provide for additional employment.

The Hon. J.R. Cornwall: There was that table in *Hansard.* You will see that there was a significant boost for that three-month period.

The Hon. R.J. RITSON: The Minister has referred to another matter and I will deal with it in due course. I wish to paint a picture using a sequence of events. After explaining the nature of the error, Dr Cornwall emphasised that there had been no cuts and stated that the Government had kept the hospitals at the level promised. I do not doubt that the gross number of people employed was held fairly constant. Subsequently, Dr Cornwall did table a list of figures which indicated some 250 people more at the end of the financial year than 12 months previously. The interesting thing about the table is that, by taking different brackets of 12 months, one can get slightly different results but, by looking at the whole of the table, one thing stands out: the total employment stands at about 19 500 plus or minus 1.5 per cent. So, at any given bracket of 12 months, one could find that the order of difference between the current and previous figures is within about that standard deviation. It is probably bad luck for Dr Cornwall that, due to the computer episode, he was wrongly led to believe that, immediately upon coming to Government, the special allocation to the hospitals had resulted in that increase when, in fact, he knows that that was not so.

I refer to the specific questions about sessions reduced at the Royal Adelaide Hospital which were not answered at that stage but were avoided by Dr Cornwall's making broad comments about the overall stability of the employed numbers and the special grant. I accepted at that stage the Minister's statement that, if there had been any cuts of which he was not aware or if a policy existed to provide attrition in the sessional positions, it would be none of his business but rather would be a matter for the hospital administration and not for the Health Commission, let alone the Government. On 25 August, in reply to the Hon. Anne Levy and referring to earlier questions asked by me, Dr Cornwall said:

> The Administrator has advised me that 30 sessions were under negotiation to balance the reduced workload—that is, 30 sessions out of a total of 550.

He further stated:

> Certainly, as far as I am concerned, minor changes such as that have been, and remain, an internal matter for the administration of the hospital.

I will depart and look at the now admitted cuts, previously denied, in surgical services at the Royal Adelaide Hospital. We find that 30 out of 550 sessions minus the reinstatements is of the order of 4 per cent. The reduced workload to which the Minister referred previously and also during the Estimates Committees, as far as one can express workload in terms of the number of patients, is a reduction of the order of 1.5 per cent in the number of patients at the Royal Adelaide Hospital; and that has been met with a reduction of about 4 per cent in the number of clinical sessions by visiting specialists. If numbers of patients truly express workload (and they do not always do so, as one can have a lot of not very sick patients or a few very sick patients), we have a reduction of 4 per cent in medical manpower to provide specialist care to a patient workload that has dropped by 1.5 per cent.

Nevertheless, as the good Minister stated, it is a small change and is an internal matter for the administration of the hospital. He repeated time and again during the Estimates Committees the fact that such matters were matters for the hospitals and specifically were not matters for the Health Commission or Government policy. I was astounded, therefore, when listening to the proceedings of the Estimates Committee, to hear Dr McCoy of the Health Commission make the following statement:

> In November last year, a supplementary allocation of $1.7 million was provided to the Royal Adelaide Hospital, because at that time it seemed impossible for the hospital to come in within the allocation.

That $1.7 million was part of the $4.8 million that is floating around in this debate like the pea under the thimble. Earlier, during the Estimates Committee hearing, the member for Coles asked the Minister of Health why the Royal Adelaide Hospital had underspent its budget by $300 000. The Minister replied that that was a very good performance because, with such a large budget, one never comes in right on the cent and that a few hundred thousand dollars either way indicated fairly accurate budgeting.

I recall that Dr Cornwall said previously that the extra allocation was for expansion and that the hospital's budgeting had been very accurate. Dr McCoy said that in November last year a supplementary allocation of $1.7 million was provided to the Royal Adelaide Hospital because at that time it seemed impossible for the hospital to come within its allocation. Therefore, the hospital was in trouble and needed extra money. The Government (and I underline 'Government') made it a condition of the allocation that the hospital would not replace staff without the approval of the Commission. That is a clear expression of a Government policy of attrition of staff—it cannot be otherwise. If the policy was to replace everybody who left, then, of course, one would not need approval to replace a person who left. Quite clearly, there was a Government policy of attrition at that time. I repeat what Dr McCoy said, namely, that the Government made it a condition of the allocation that the hospital would not replace staff without the approval of the Commission and that that condition was instituted at the Royal Adelaide Hospital. Very strict control over replacement of staff was applied for the remainder of the financial year.

The Hon. J.R. Cornwall: The replacement you are talking about refers to the filling of vacant positions—in fact, putting more bodies into the hospital. It is important that the honourable member understands that 'replace' means 'filling vacancies'. At any given time a hospital will have 4 per cent to 5 per cent of positions vacant.

The ACTING PRESIDENT (Hon. H.P.K. Dunn): Order!

The Hon. R.J. RITSON: I do not wish the Minister to disrupt my speech, but it may well be that there is a very much better explanation for this happening than would appear on the surface. The original $4.8 million, to quote the Minister, was specifically to provide extra employees, yet we find that it was used to bail out a hospital falling well short of its budget with a specific condition applied by the Government that replacement of staff (that is, attrition) be controlled by the Health Commission, and that very strict control was kept over that.

I presume that the position of Director of Anaesthesia is such a position. The gentleman concerned suffered ill health and resigned a number of months ago. Nobody knows whether the Royal Adelaide Hospital is to have another Director of Anaesthesia. To my knowledge, the position has not been advertised. Is this some more of the attrition that is occurring there? Is this part of the policy of this Government (and the Minister should know Government policy)? Is it deciding perhaps not to replace that man? Is the present

Minister's habit of saying that this is not the Health Commission's problem but the hospital's decision a method of unfairly unloading blame on to the hospital for these cuts which have produced anxiety and morale problems when, in fact, it was Government policy all the while? Did Dr Cornwall know that it was Government policy all the while, was he fudging over the earlier answers or did he not know what was going on? Was Dr McCoy correct in expressing himself in that manner?

I suppose that apart from the possibility that Dr Cornwall did not know what was going on and the possibility that he was fudging, the third possibility might be that Dr McCoy was wrong when he said that the Government made it a condition of the allocation that the hospital would not replace staff without the approval of the Commission. Dr McCoy was sitting with the Minister at the Committee hearing, and the Minister was responsible overall for the answers that were given and could have corrected Dr McCoy if he wished. However, the Minister made no move to do so.

The effect of attempting to reduce staffing levels by attrition when the positions that are to suffer are spread across a wide range of disciplines can be devastating for a very small return. The Minister, in explaining that this was the hospital's decision and not the Government's decision, thereby put himself at odds with Dr McCoy. The Minister said that the effect of these changes was so small (and he quoted $150 000 to $180 000) when taken in conjunction with a multi-million dollar budget that the matter was rightly left to the hospital, yet Dr McCoy said that strict control was kept by the Health Commission. However, the effect on individual units was very large.

We have the example of the Burns Unit, for which the consultancy is provided sessionally and where one surgeon resigned. His sessions were not filled, so there was no burns specialist to be responsible for mid-week operating. That matter has now been rectified (I am told not because of questions in Parliament but despite them). If one decides on a process of attrition, these very large effects can fall on particular areas for very little financial return.

One of the things that has bothered me about playing with figures in terms of nursing and medical manpower is that clever people make percentage reductions on paper and cost them out but very often do not actually know what is going on. The effect on the ground of percentage changes in some clinics is quite different from that which would be reported to the Health Commission. For example, I know of one clinic in which about three honorary sessions were lost because of the resignation of doctors in another hospital. The hospital in which they were performing those honorary sessions had never had them on the books. Their salaries were borne entirely by another hospital. The question of replacing them, if they were to be replaced, would have arisen in the hospital which carried their main appointment and which paid their salaries, so a change which affects morale can lose sessions that were, on paper, never there.

I know of one clinic where 17 honorary sessions are being carried out. It is quite common, as the Minister admitted in an example that he used during the Estimates Committee hearing, for surgeons who are paid for one or two 3½ hour sessions and who would be on night call to come in on other days and a Saturday morning. I know of 17 honorary sessions performed on that basis in one clinic alone at the Royal Adelaide Hospital. I know of at least four others in another clinic. I do not think that the Minister knows the extent to which this has happened. I do not think that he or the Health Commission has any real means of knowing whether reappointing a person for two sessions instead of four causes the hospital to lose just two sessions or whether it loses honorary sessions along with the paid sessions.

It is quite possible that a person doing two sessions who has resigned and has not been replaced was in fact doing four sessions. I am disappointed that the Minister, in dealing with this, at first denied it, saying that it was a standstill situation, and then said that there were cuts but that they were small and that attrition was the hospital's responsibility, only to have the Health Commission say that it was Government policy. But the crisis is only incipient. The people in those places will by and large get by. There may be some more hot spots as somebody dies or resigns and the lengthy process of carrying out this Government's policy of strict control is set in train, but the real trouble will come when Medicare is instituted. I suggest to the Council that enormous pressures will come on the hospitals after 1 February.

Although it is very difficult to squeeze out much fine detail, for example, as to how the Medicare system will work, it would appear that private health insurance will be considerably more expensive, that gap insurance will be prohibited, and that more people than the Hon. Dr Cornwall cares to admit will become completely dependent on Medicare. The Australian Labor Party has been saying for some time by way of justification of Medicare that large numbers of Australians who earn too much to have access to means-tested public hospitals and not enough to afford private insurance will for the first time have free access to the medical care offered by these hospitals. I suggest that they will take it.

The Minister, in reply I think to Mr Oswald in the Estimates Committees (or perhaps it was Mrs Adamson), said that he thought that the increased dependence on public hospitals would be of the order of 3 per cent. He thought that most Australians would stick to their full health insurance. That is a very different picture than that of the hordes of people who are said by the Australian Labor Party to be desperately waiting to be able to afford public hospital care for the first time. I am desperately fearful that when the Medicare system comes into force there will be enormous pressures on those hospitals, and I cannot understand why the State Government is paring away at the system, getting it almost on to its knees at this stage.

He did say, as I recall, in debate on one occasion that there were contingency plans. That is all that was said. I have not heard any finely detailed contingency plans, and nothing has convinced me that the South Australian Government itself knows how Medicare will work, that it knows what extra loads will be forced on to the Royal Adelaide Hospital or that its contingency plans are any more than a vague feeling of panic about what it will do if the demand is too great.

I reiterate that I am dreadfully disappointed with the performance of the Minister in this regard. The series of answers that he gave indicated that he did not know what was going on, did not know what those special allocations were for, did not know that there was a Government policy to exercise strict control over the replacement of staff; alternatively, he was deliberately misleading us. As I say, the immediate financial consequences of that may not be disastrous, but after Medicare I am sure that the consequences will be disastrous. I support the motion.

The Hon. R.I. LUCAS secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 20 September. Page 904.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. Anything which can be done to tighten up the laws relating to the prohibition of child pornography is to be supported by the Liberal Party. When I was Attorney-General, a magistrate (I think that it was in December 1981) raised questions about section 58 of the Criminal Law Consolidation Act as it related to the prohibition of child pornography and its emphasis on acts of gross indecency rather than on acts of indecency either involving a person under the age of 16 years or in the presence of such a young person. The matter was referred to the Crown Solicitor's Office and some advice was received during 1982. Whilst no action was taken at that stage, the magistrate has again raised the matter during this year in respect of another case. There is some doubt about the validity of the magistrate's criticism of section 58 in some respects, although I notice from the second reading explanation in respect of this Bill that at least in one respect some substance is admitted with respect to the magistrate's criticisms.

Accordingly, I am prepared to support the concept of the Bill. However, there are some possible difficulties in proving the criterion, namely, that a person has either caused or induced a child to expose part of his or her body or incited or procured the commission by the child of an indecent act 'with a view to gratifying prurient interest'. That will be very difficult to establish because it is very largely a subjective assessment of the accused person's attitude in the circumstances out of which a charge arises, but to some extent that will be overcome by the court having regard to those circumstances. The very nature of the circumstances may be sufficient to justify the court regarding the action of the person charged as an action taken with a view to gratifying prurient interest.

Of course, that has to be proved beyond reasonable doubt. However, I am not in a position to suggest any alternative wording that is more likely to lead to a conviction than the wording presently in the Bill. I had to go to the *Oxford Dictionary* to obtain a more precise appreciation of the meaning of the word 'prurient'. I had some broad understanding of it but, for those people who perhaps labour under similar difficulties, the dictionary gives this meaning:

Given to or arising from indulgence of lewd ideas.

The court will still have some trouble trying to establish that the attitude of the person charged was an attitude with that objective. Nevertheless, it is not for me to criticise the drafting, because it certainly is a move towards tightening up especially one area of concern that has been raised by the magistrate.

The principal Act was passed in 1975 and was amended in 1978 to deal with certain matters relating to photography and videos involving persons under the age of 16 years. There was a minor amendment in 1981, but that was only in the course of tidying up other aspects of the Criminal Law Consolidation Act and aspects relating to attempts to create offences. The other point to make, just for the sake of completeness, is that the Act, which for the first time made it an offence to involve children in pornographic acts in the context of the present section 58, really originated as a result of pressure brought to bear by the Hon. Mr Burdett, who introduced a private member's Bill to provide for the prohibition of child pornography. In the light of those comments, and notwithstanding some doubt about the likely effectiveness of achieving the objective which the Attorney-General has set out to achieve, I am willing to support the Bill.

The Hon. FRANK BLEVINS (Minister of Agriculture): On behalf of the Government, I would like to thank the Hon. Mr Griffin and the Opposition for their support of the second reading. The Government appreciates the point that the Hon. Mr Griffin has made about difficulties that may still arise. This is a sensitive area in which the Government and Opposition are of like mind: we want to afford the protection that this Bill seeks as much as possible while at the same time not curbing unnecessarily people's civil liberties. The degree of difficulty in definition is something that all Governments have tried to grapple with in a mood of goodwill. Whether this Bill is the perfect measure, only time can tell. I thank honourable members for their support of the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 4.25 p.m. the Council adjourned until Wednesday 19 October at 2.15 p.m.