LEGISLATIVE COUNCIL

Tuesday 1 May 1984

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:

City of Adelaide Development Control Act Amendment,
Local Government Act Amendment (1984),
Ombudsman Act Amendment,
Regional Cultural Centres Act Amendment,
Urban Land Trust Act Amendment.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Registrar of Building Societies—Report, 1982-83.
Registrar of Credit Unions—Report, 1982-83.

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

Pursuant to Statute—

Dog Control Act, 1979—Regulations—Registration Areas.
Local Government Act, 1934—Superannuation Scheme.
Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—
Proposal to open a borrow pit on Section 51, Hundred of Cannawigara.
Proposed construction of a 275/66 kV Substation at Parafield Gardens.
Proposed development at the Renmark High School.
Proposed relocation of the Warriependi Alternative School to the Richmond Junior Primary School.
Proposed construction of Police complex at Novar Gardens.
Proposed development at the Waikerie High School.
Proposed erection of classrooms at Northfield High School.
Proposed construction of a training tower at Northfield.
South Australian Health Commission—Report, 1982-83.
District Council of Robe—By-law No. 25—Controlling the Foreshore.

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

Pursuant to Statute—

Mining Act, 1971—Regulations—Registrar's Office, Mintabie Opalfield.
Road Traffic Act, 1961—Regulations—Traffic prohibition—Noarlunga, Woodville, Mitcham.
Clearways, flashing lights and powers of Board.
Seeds Act, 1979—Regulations—Labelling of seed packages.

MINISTERIAL STATEMENT: SAMCOR—PORT LINCOLN ABATTOIR

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

Leave granted.

The Hon. FRANK BLEVINS: The Government has decided to support a proposal made by the SAMCOR Board to close its Port Lincoln abattoir. It is the Board's intention to cease operations in mid 1984, which is the low period in terms of number of slaughterings. It will also allow a period of time for employees to seek alternative work or be considered by other Government agencies for redeployment. The closure date proposed is 30 June.

The recommendation by the Board and its endorsement by Government essentially is a question of economics. A Government report in 1979 recommended that the abattoir be given five years to rectify its position and attain an acceptable level of profitability. Despite the considerable efforts of the SAMCOR Board, the Port Lincoln abattoir has continued to lose money. It is anticipated that the loss in 1983-84 will be close to $1 million. Over recent years losses have ranged between $500 000 and $1.3 million. The cumulative loss over the past 10 years is in excess of $9 million. In addition, to continue to meet the standards necessary to operate as an export abattoir a minimum of $200 000 will need to be spent on maintenance within a year. Given the overall age and condition of the abattoir, maintenance costs will continue to escalate.

A significant number of meat processing plants have closed in recent years throughout Australia. The basic reason has been a decline in slaughterings due largely to the decline in stock numbers. Numbers of cattle in particular have been affected by a fall in profitability of export markets. The cattle population in Australia has declined from 33 million in 1976 to 23 million in 1983 and slaughterings have dropped from 13 million in 1978 to nine million in 1983. This year the problem has been exacerbated due to the recovery from the recent drought because producers are retaining the stock they have left for breeding. It will be several years before slaughterings in Australia return to the levels of the late 1970s. It is also perhaps pertinent to comment on the proportion of stock from the Port Lincoln works area actually being slaughtered at Port Lincoln. It has been estimated that the proportions of livestock slaughtered locally in the past three years were: sheep and lambs 65 per cent, cattle 50 per cent and pigs 50 per cent.

The Government is mindful of the plight of the people employed at the works. Consistent with Government policy, the salaried personnel will be redeployed to other positions within the public sector. These arrangements will be handled by the Public Service Board and the Job Transfer Office in consultation with SAMCOR management and the Public Service Association. The number of award employees is currently relatively low, and retrenchment provisions for award employees will be determined according to the length and continuity of service of the individuals concerned.

On the positive side, there have been preliminary discussions with Lincoln Bacon Specialists Limited on providing a Government guarantee for a pig killing and processing facility which could be built on land purchased from SAMCOR. Such a facility would provide new job opportunities. Any request for assistance would need to be considered by the Industries Development Committee, but the Government would welcome such an initiative which could result in some further employment opportunities in Port Lincoln.

The closure of the Port Lincoln abattoir will also provide an opportunity for a private operator to establish and operate profitably a small abattoir to kill cattle and sheep. Again, the Government would welcome such an initiative and give serious consideration to the provision of the necessary assistance according to the merits of the proposal. The Government could, for example, assist through Government guarantees and/or a 'once off' subsidy. Attention is also drawn to the recent announcement by the Premier of Government support for the Porter Bay marina and tourist resort development. The project could provide up to 250 jobs during the construction phase and up to 500 permanent jobs mainly in accommodation, entertainment, leisure and other tourist related services. This exciting venture has the potential to offer job opportunities that will more than offset the number of jobs lost by the closure of the abattoir.

If the Government was to continue to support industries which sustain losses such as are being incurred at Port

Lincoln, it would continue to restrict its ability to assist other industries which have the potential to provide jobs, as well as return a profit, to the community. The Government has decided to take this decision with obvious reluctance and is aware of the effect the closure will have on the employees and Port Lincoln itself. In the light of all the evidence, however, it would be irresponsible to continue to spend taxpayers' money in propping up an enterprise that has not been financially viable for some time now and which has no potential to be so in the future. I am sure all members will support this decision by the Government in the interests of more efficient government and encouragement to private industry.

NO-CONFIDENCE MOTION: MINISTER OF HEALTH

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice.

Motion carried.

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

That, because the Minister of Health has persistently and deliberately misled Parliament about an ANOP market research questionnaire that the Minister commissioned at taxpayers' expense last year, this Council has no confidence in the Minister and calls on him to resign forthwith and, if he refuses to do so, calls on the Premier to dismiss him forthwith.

On Wednesday 18 April, the last day on which the Council sat before a short break, the Minister of Health, in referring to Opposition probes about this important matter, said it is 'becoming quite a sick joke'. Well, the Minister's attitude to this Parliament and to his responsibilities as Minister may be sick but they are no laughing matter. Since concerns about the misuse of taxpayers' funds in opinion polling were first raised in August last year, the Government and the Minister of Health in particular have twisted and turned seeking to evade responsibility, to hide the truth and to mislead the public. The Opposition has been left with no option but to move this most serious of all motions, a no-confidence motion against the Minister of Health.

The Minister of Health has used his position as a representative of the Crown to provide direct Party-political advantage to the ALP at taxpayers' expense. In an effort to cover up his action he has misled this Parliament consistently and deliberately: he has refused to answer questions; he has ignored questions; and he has wilfully and wantonly disregarded the truth. Let me put before the Council the facts and let this Council honestly assess them and, having done so, cast judgment on the propriety and integrity of the Minister's actions. Since 9 August 1983 the Opposition has asked more than 50 specific questions about the ANOP's market research poll commissioned by the Minister of Health, allegedly to survey drug issues, which was undertaken between 27 August and 4 September last year. That survey cost $32 000 in taxpayers' funds. A copy of the answers to all the questions which were asked has never been made available to the public. Indeed, the questionnaire itself would not have been made available to the public or this Parliament, despite being paid for by taxpayers' funds, if the Opposition had not been able to obtain a copy and so release it.

Now that we have all seen the questionnaire, we can all understand why the Minister of Health, in his usual emotional and abusive way, sought to employ every abrasive tactic he knew to prevent the full details of the poll becoming available. The content of the questionnaire shows without any doubt why the Minister had not wanted the truth revealed. Nearly half the questions asked were of a Party-political nature. They were Party-political questions designed to provide information which could only have been of direct benefit to the Government and the Labor Party—provided through a poll which was commissioned at a cost of $32 000 to taxpayers. Yet the Government continues to claim that it did not pay for Party-political questions.

The Minister of Health claims that he knew nothing of any Party-political questions other than a 'piggy back question' about his personal popularity. Even if this was true, we are still faced with a situation where an interstate company, which had been used to provide crucial political advice to the ALP for over a decade, was given, without any tender or alternative quotations being received, the chance to survey the public at a rate almost double that which other companies would have quoted for the drug related questions asked. In other words, a firm with ALP connections was given the chance to take taxpayers' funds for a ride and, in the Minister's eyes, that is okay. On 16 occasions Parliament has been denied the truth about this matter.

In an effort to protect his back, the Minister has allowed Mr Rod Cameron of ANOP to provide a shallow and concocted account of what happened—an account which now conflicts with earlier statements which Rod Cameron himself made. This is a matter of principle, and the $32 000 involved belies the major importance of this entire issue. What is at stake is honesty and integrity in Government. Unless this Parliament is given honest, open and responsible answers to the questions which it raises, our whole system becomes unworkable. We all know of the Minister of Health's concern about drug matters. We know of his personal experiences. He has told them to us and we respect his concern. But that is not the issue now. The issue is not drugs, but honesty in Government and the responsibility of Ministers to tell the truth.

It has been disturbing to see the constant stream of abuse and emotional dialogue which has poured forth from the Minister whenever we sought information from him on this issue. He took that abuse outside Parliament in attempting to threaten members of Parliament carrying out their proper duty by imposing the big stick of legal action. Let me tell the Minister here and now that we will not be intimidated by those tactics. He can scream and kick and cry all he wants, but the Opposition will not resile from its responsibility to ensure that the standard of behaviour, which the public have a right to expect from their leaders, is not betrayed by this Minister of Health.

The Minister abuses and degrades others whenever he feels threatened, and in this important matter he has reached new depths. Rather than properly responding to the questions asked of him, he cloaked his answers in abuse and insults to the Opposition. Consider some of the Minister's responses to the very proper questions which have been asked of him. They represent the rantings of a very desperate man within Parliament, in my opinion. The Minister says that it is proper and okay to defame people inside Parliament but that it is not proper to criticise people outside Parliament. The Minister has used certain phrases inside this Council. I apologise for quoting them, but they must be placed on the record once and for all. The Minister's comments are:

'You're a blithering idiot.'

'Stop being so bloody stupid and infantile.'

'He is a goose.'

'You have been on the magic mushrooms, John.'

'They really are the pits, this lot.'

'He does not normally play the politics of the beat up of the gutter, or the disgusting type of politics that Rob the Blob and Legh the Flea want to play in this place.'

'That is a dreadful and scurrilous lie.'

Those comments come from one page of *Hansard*—not the total Parliament. The Minister of Health seeks to apply an unusual set of standards to his behaviour. We all recall the sacking of the former Police Commissioner, Mr Salisbury. According to a former Labor Government, he had failed in his duty to find out what the Police Special Branch were doing after questions were asked of Mr Salisbury by the Parliament. For that failure of duty, Mr Salisbury was sacked.

Yet the Opposition has been asking questions of the Minister of Health since August about the health survey and since 10 April specifically about Party-political questions contained in it, but the Minister has never tried to find out what was contained in the survey. If he did not know, he had the option, after the first question was asked by the Hon. Mr Lucas, of ringing Rod Cameron and ask him what he had really paid for. He did not do so and for failing to do that he should accept the full responsibility for continuing to mislead Parliament.

Just as a former Labor Government claimed that Mr Salisbury was guilty because he did not inform himself about Special Branch, so this Minister is guilty, according to the same standards. If on no other occasion, once the questionnaire had been released and it was shown that Parliament had not been told the truth, the Minister should have offered his resignation and so admitted his failings. But that did not result. The Minister has constantly sought to excuse his behaviour and hide from the truth to put on a brave front about his concern for drugs and to evade the issues which the Opposition was really raising.

On 9 August last year I asked a question about an ANOP survey on drug related matters which the Minister had announced he would commission. In his reply, the Minister said:

> I specifically asked Mr Cameron, the principal of ANOP, to devise a programme for my consideration. At this stage it has not hit my desk although it will later this week. I will then consider it.

The Minister also said:

> I am unable to say what questions will be asked, because the proposal of its costing has not yet come to my desk.

The Minister of Health claims to pride himself on his ability to choose the right words to ensure that he never misleads or gives the wrong perspective in the answer to a question. If we accept his self-professed ability to choose the right phrase in giving the right answer to a question, then the answer which he gave to me on 9 August clearly indicated that the Minister would have seen the questions to be asked before agreeing on a price for the survey and that it would have been his responsibility, in fact, to see them.

After the questionnaire was completed, the Minister made a subsequent public statement indicating that he had been aware of all the questions asked. He was reported in the *Advertiser* on 24 October last year as saying:

> It was not just a soap powder survey with a few extra questions tacked on the end. The questionnaire was to produce a complete social planning project to alcohol, hard and soft drugs, prescriptions, drug abuse and illicit drugs.

The Minister wanted Parliament to believe that he had an intimate knowledge of all the questions asked in this survey. Indeed, he prides himself on his intimate knowledge of any area in which he gets involved. This cover-up has gone on for over six months. It had its origins in responses to questions from the Hon. Mr Lucas, whose persistence and integrity on this issue are to be commended. On 26 October Mr Lucas asked a series of questions about the survey, requesting, in particular, a copy of the questionnaire and the results of the questions asked.

A reply to what seemed a fair and simple request came five months later in a letter from the Attorney-General dated 20 March. In his reply, the Hon. Mr Sumner told Mr Lucas that the Government would not release the questionnaire. He gave no reason for this refusal—just a bald 'No'. The Attorney's reply to the question 'Will the Minister provide a copy of the results to all questions asked' was less direct and unusual, because he said:

> The design of the questionnaire is the province of ANOP.

That was an evasive answer. It did not respond to the question asked, and a similarly evasive and indirect answer was provided to the question:

> Did the ANOP company conduct research for any other body at the time of conducting this study?

The answer to that question was:

> Not to the knowledge of the Minister of Health.

Why had it taken five months for these very inadequate replies? If the Minister of Health was unsure as to other work that may have been done at the same time as conducting the drug survey, why did he not telephone his mate Rod Cameron and simply ask him the question? Why was the Government so categorical about some questions and yet so deliberately evasive and incomplete in answering others? Obviously the Minister had something to hide and now we all know what it was. We come to 10 April and Mr Lucas asked the following questions:

> 1. Why will not the Minister provide to Parliament a copy of the questionnaire used in the taxpayer funded survey on drug related issues?
> 2. Are the results to all questions now available to all members at the Health Promotion Service? If not, why not?
> 3. Was any question included in the questionnaire related to the personal approval of the performance of the current Minister of Health?

In his reply the Minister said:

> I cannot understand the question of why I will not provide a copy of the questionnaire and other results of all questions that are currently available to the Health Promotion Services. They—

obviously referring to the questionnaire and results—

> are available not only to the Health Promotion Services Unit, but also to every member of Parliament and to every member of the public in South Australia. The results of the ANOP survey have been public, the survey is a public document and is available to the Hon. Mr Lucas. It is available to any member.

With this reply the cover-up had begun. The Minister's reply was at odds with the Attorney-General's reply who said that the questionnaire would not be made available. But, the Minister was saying that it had already been made available, and freely available at that. That was an untruth which the Hon. Mr Lucas highlighted when he asked the Minister, in a supplementary question, why the Attorney refused to provide a copy of the questionnaire which the Minister claimed had already been tabled.

The Hon. C.J. Sumner: I didn't refuse.

The Hon. M.B. CAMERON: That was the answer to the question. I accept that it was not you personally, and that you had been placed in a difficult position by your fellow Minister.

The Hon. R.I. Lucas: The Attorney keeps washing his hands of it.

The PRESIDENT: Order!

The Hon. M.B. CAMERON: In response, the Minister sought to mislead this Council. The Minister wanted the Council to believe that the report on the survey he had tabled in Parliament contained all the questions asked. It did not and, indeed, the questionnaire itself was never tabled, in spite of what the Minister said earlier in reply to that question.

The Minister failed to respond to the third question of the three asked by the Hon. Mr Lucas, namely, that concerning the question on personal approval. The Minister knew that a personal approval question had been asked but wanted to hide the fact. Again, the Minister's actions, based on the standards set by a former Labor Government, warrant

his dismissal. Justice Mitchell, in her report on the Salisbury dismissal, found that Mr Salisbury had to take responsibility for giving the Dunstan Government answers which were inaccurate by omission and, at paragraph 84 of her report, said:

> The fact is that answers can be rendered untrue by being incomplete.

That is a very important statement by a very learned person, and formed the basis of the standards which the Labor Government applied to Mr Salisbury. Why are those standards now not applied to the Minister of Health?

In an effort to obtain a copy of the full survey questionnaire, the Opposition asked four more questions seeking its results both in this place and in another place. These requests to the Government were to no avail. The people of South Australia should be able to rely on their elected Government to provide information which is of public interest. It was up to a concerned member of the public to provide the information that was so necessary. I will touch on this a little later.

On 11 April the Hon. Mr Lucas again pursued this important matter and the Minister's tirades of abuse began in earnest. The Hon. Mr Lucas, in his explanation, said:

> Members will recall the Minister of Health refused to answer a question as to whether that survey included a question relating to personal approval of the performance of the current Minister of Health.

The Minister of Health shouted across the Chamber:

> That is simply not true.

I have already shown that the day before the Minister of Health did not answer that very specific question. During the course of the very same question the Minister, who was by that time getting more and more emotional, suddenly let slip that there was a question dealing with his approval rating and then proceeded in his bumptious and bullying way to say:

> Of course there was. There certainly was an approval rating done on me. With the modesty for which I am well known, I did not really want to tell everybody about it but I will in a moment now that I am forced reluctantly and shyly to do it.

After referring to the Hon. Mr Lucas as a goose, an infantile thing, as Rob the Blob, as the imbecile one, he went on to say:

> At that point Mr Rod Cameron said, 'What about a personal approval rating? Would you like us to add one more question concerning personal approval rating?'

The Hon. Mr Cornwall stressed this point. He went on to say:

> At the end of the day Rod Cameron said, 'Do you want us to put in an extra question about personal approval?' I said, 'All right, why not.'

So, at last, the Minister had admitted one question was asked about himself and he was quite boastful about the fact of having let it slip.

Although I will refer to the questionnaire in more detail later, it is interesting to note that this one extra question—this 'piggy back' question as the Minister called it—was not the last question but was in fact almost in the very middle of the survey. It was question 13 *(a)* which said:

> What sort of job do you think Dr Cornwall is doing as State Minister of Health? Are you satisfied or dissatisfied with his performance?

This one extra question was in the middle of the survey and it was not the only question asked about our modest Minister of Health. There were, in fact, despite replies by the Minister of Health on that day and on 17 and 18 April, and by the Attorney-General on 12 April, three such questions asked.

The questionnaire also contained a question about whether respondents knew the name of the State Minister of Health in addition to his approval rating. Another question asked was whether people were either satisfied or dissatisfied with the Minister's performance. This is a significant extension to the simple question of whether or not they were satisfied. Mr Cornwall's answers to this point were deliberately misleading because, as a number of members are well aware, at least one journalist was told by a member of the Minister's staff that additional questions were asked.

On 18 April in this place, my colleague, the Hon. Mr Burdett, asked the Minister specifically whether a question had been included in the survey about reasons for the respondents being satisfied or dissatisfied with the Minister's performance. The Minister totally ignored Mr Burdett's question and, indeed, commenced one of his typical tirades about the politics of derision. In answering questions about whether or not the survey contained information about the Minister's performance, the Minister, first, deliberately misled the Council, then let it slip that a question was asked (but only one such question) when, in fact, he knew that there were three.

Let me now deal with the question of voting intentions. On 11 April Mr Lucas asked the Minister whether a voting intention question had been included and Mr Cornwall replied:

> I certainly did not commission a poll that asked about voting intentions on Saturdays, Sundays, Wednesdays or any other days. I certainly did not pay for a poll which asked about voting intentions.

That reply was deliberately misleading, the Minister knew it then, and knows it now. Indeed, a week later on 18 April the Minister finally admitted (I might add only after a member of the public who had been questioned in the survey came forward and signed a Statutory Declaration) that 'The question of such voting intentions is there and has been there for more than four months for all South Australia to see'—despite his previous denial! The Minister was at it again. He misled the Council again on 11 April and then, with feigned innocence, sought to evade this behaviour on 18 April.

By this time the Opposition was becoming more and more convinced that there had been a significant cover-up of a blatant misuse of taxpayers' funds. Our view was reinforced by telephone contact with a number of other people who, like Miss Hartwig (the person who had contacted us originally), had been questioned in the questionnaire and who recalled questions not only about the Minister of Health and about voting intentions, but about other political issues and personalities as well. Still clinging desperately to his fabricated story, the Minister attempted to discredit Miss Hartwig and, on the *Nationwide* programme of 18 April, he all but called her a liar and implied that she was a stooge for the Opposition.

By this time the Premier, in answers to questions in another place, had dug himself well and truly into the ditch alongside his Minister, and on 18 April the Premier was negligent through his lack of action in relation to this matter. When asked whether he would investigate the matter further, in view of Miss Hartwig's revelation, the Premier replied and was quoted in the *Advertiser*—'Not really. Why should I bother?'

Clearly the Premier was hoping that the Easter break would let the matter subside. If he really did not know what was going on he could have simply solved the whole problem by bringing in the Minister of Health and by ringing Rod Cameron and asking for a copy of the questionnaire. But that obvious course was ignored and it was not until the next day, Thursday 19 April, that the Opposition obtained and was able to release the poll questionnaire.

The Hon. C.J. Sumner: When did you get it?

The Hon. M.B. CAMERON: The day before—the same day that it was released. We did not hold on to it—I can assure honourable members of that.

The Hon. R.I. Lucas: We are quite open and honest.

The Hon. M.B. CAMERON: That is right. If the Attorney-General thinks that there is some way we were hiding the questionnaire, he is misleading himself, and not only us.

The Hon. C.J. Sumner: Lucas did not have it?

The Hon. R.I. Lucas: We wouldn't lead the Minister down the path.

The Hon. M.B. CAMERON: The Hon. Mr Lucas did not have it, I can assure honourable members. On the contrary, Mr Lucas at no stage, until that evening, had the questionnaire.

Members interjecting:

The PRESIDENT: Order!

The Hon. M.B. CAMERON: If members opposite are holding on to that as some sort of issue, first, it is not an issue and, secondly, they are wrong. The questionnaire highlights how deceitful the Minister of Health was. Members opposite are totally wrong.

The Hon. C.J. Sumner: You are very defensive.

The Hon. M.B. CAMERON: No. If that is the nature of the defence, I really am surprised. We will wait to see. This questionnaire highlights how deceitful the Minister of Health was. It showed that 11 of 26 questions asked were of a blatant political nature totally unrelated to drug matters. It confirmed that there had been a deliberate and persistent cover-up by the Government—an attempt to deny Parliament information which it had a right to know.

Let us consider the questions asked in the questionnaire, of which I have a copy before me. The first question states:

> Are you satisfied or dissatisfied with the way in which the State Government is running South Australia?

People are given the opportunity of answering 'satisfied', 'dissatisfied', or 'unsure'. Question 1 *(b)* asks:

> Are you satisfied or dissatisfied with John Bannon as Premier of South Australia?

Question 1 *(c)* asks:

> And are you satisfied or dissatisfied with John Olsen as Leader of the Opposition?

Question 2 *(a)* poses the question:

> If there was a State election tomorrow for the South Australian Parliament, which Party would you vote for?

There is then a filter question to ask only those undecided or refused on question 2 *(a)*. Question 2 *(b)* therefore asks:

> Well, which Party are you leaning towards at the moment?

Question 3 asks:

> Which Party did you vote for at the last State election in September last year?

Question 4 then asks:

> You said you voted [whatever you said] in the State election last year but would vote [for another Party or undecided] in a State election tomorrow. Why have you changed your support?

It is not a simple questionnaire because it then states, 'Probe for specific response. If response is: "I don't like them", "they aren't impressive" etc., ask, "In what way?" ' Question 5 asks:

> Referring to your support for the . . . Party in a State election tomorrow. Would you please look at this card (show card 1) and tell me how certain you are to vote for the . . . Party?

Question 6 *(a)* then asks:

> Thinking about what the State Government can do about problems in South Australia. What do you feel is the one most important issue or problem for you personally at the moment that the State Government should be concerning itself with?

It goes on and on with very detailed questions. There are a whole page of detailed questions on these matters.

Clearly, these questions had nothing to do with drugs. They are Party-political questions which a pollster, such as Mr Cameron who had worked for the ALP for a decade, would find impossible not to use in the context of his political work. Does Mr Cornwall or the Government seriously expect the public to believe that a man who makes a large part of his living by conducting polls for a political organisation would not use such information which he had obtained—that it would only gather dust in his pigeon-hole. Of course it would not!

The Parliament was misled 16 times. The Government failed to give full and frank answers to Parliament about all the questions asked and all the results obtained in the survey—the specific questions asked about the Minister of Health—and the specific questions asked about voting intentions. Parliament was misled about all the questions and answers in the survey by the Minister of Health on 10 April, by the Attorney-General on behalf of the Minister of Health on 10 April and by the Premier on 12 and 18 April.

Parliament was misled about the extent of the questioning, specifically about the Minister of Health by the Minister himself on 10 April, twice on 11 April, on 17 April and twice again on 18 April. In addition, because the Attorney-General accepted the Minister of Health's word on this specific point, he in turn misled Parliament about it on 12 April. In relation to voting intention questions, the Minister of Health misled Parliament once on 11 April and twice on 18 April and the Premier also made misleading statements on 12 and 18 April. Nothing can be plainer than that all of these statements were misleading—most of them deliberately—as to the full truth about the survey.

Faced with the irrefutable evidence of their deceptions when the questionnaire was revealed, what did the Minister do? He went berserk and read the Riot Act to the media, and threatened to issue writs all over town. Not content to prevent the Parliament knowing the truth, he wanted public debate about this matter stopped as well. And, all the Premier has done in the 12 days since the comprehensive evidence of his support of the Minister was revealed is to invite the media to ring Rod Cameron of ANOP. While the Government is relying completely on Mr Cameron to get itself off the hook, he cannot be regarded as a disinterested, impartial person in this matter, nor does his story stand up to even the slightest scrutiny.

Mr Cameron depends on the Labor Party for a substantial part of his living. He has been polling for the ALP in South Australia for at least 10 years. In his recently published book, *The Hawke Ascendancy*, Mr Paul Kelly describes Mr Cameron's association with the ALP as follows:

> The most important survey work for the ALP was conducted by its commissioned agency, Australian National Opinion Polls, whose Managing Director was Mr Rod Cameron. In his decade-long association with the Party, Cameron had become a principal architect of its campaign strategies at both Federal and State level.

On the day before the Opposition revealed this questionnaire, Mr Cameron refused to discuss the matter with the media. Immediately after the questionnaire was released, the media was told by Mr Cameron that the survey had been commissioned by the Hon. Mr Cornwall and his Department and that any questions relating to it should be directed to them. But, later, the media was contacted by the Premier's office with the suggestion that Mr Cameron's latest comments should be sought. This time, no doubt, after a plea from somebody high up in the Premier's Department, or the Premier himself, Mr Cameron was more expansive, saying that the political questions asked were standard practice, that the Government had no idea about their inclusion, and that the results had not been passed on. The mind boggles at the thought of all these questions being asked, specific results being obtained, and their not being used in some way by either the Government or its pollster.

I will deal with each of those points in turn. The Opposition has spoken to one of the people employed by ANOP to conduct this survey. That person, who does this on a regular basis, told us that political questions of this type are not and have never been standard practice in a survey which has, as its sole objective, seeking information about a matter of a non-political nature. Further, that person has told us that the inclusion of the Party-political questions in this survey made the respondents hesitant to give information, an invariable and inevitable occurrence in any survey in which direct political questions are asked.

In relation to the Government's knowledge of these questions, I have already shown that until this controversy blew up the Hon. Dr Cornwall was making statements which suggested that he had knowledge of all the questions asked. It was his responsibility to obtain that knowledge before agreeing to make available taxpayers' funds for the survey.

The voting intention question, which the Government was finally forced to admit was asked as part of the survey for which it paid, is No. 2 *(a)* in the questionnaire. What we are asked to believe is that the Government paid for question 2 *(a)*, questions 10 and 11 and questions 14 to 26, but not questions 1, 2 *(b)*, 3 to 9 inclusive and 12 and 13, because these were Party-political questions.

What a novel explanation! What a novel way to come to an agreement on how to cost and conduct the survey. It is simply unbelievable. The survey was fully integrated: one question followed the other in logical sequence, making it impossible to separate Party-political questions from the rest to determine the costing.

Evidence has been presented previously, and it will be again, that $32 000 for the 15 drug questions was nearly double the normal rate, if we are to believe the Minister of Health's version of the extra questions. In considering the matter of cost, we should consider that this survey was not put out to tender. ANOP was invited by the Minister to do the job and no other companies were asked to submit their estimates for undertaking the work.

In these circumstances, and because of Mr Cameron's close political association with the ALP, he had obligations to be more circumspect in this work. He should not have exposed this project to even the remotest suggestion of a Party-political exercise. But what did he do? Almost half the questions asked were blatantly Party-political.

Just as Mr Young thought that he could get away with the improper disclosure of information about Mr Ivanov, so Mr Cameron, his close friend, thinks that he can satisfy this Parliament with this explanation about the Party politics of this survey. Mr Cameron's explanation may be acceptable within the ALP friends of the Party network, where anything seems to go, whether it relates to disclosure of information about national security or the use of taxpayers' funds, but it has not washed with the public of South Australia whose money has been put to improper use.

The Minister has been completely naive to think that the public would buy what Mr Cameron and the Minister have said. He cannot put forward any other explanation because he and Mr Cameron are in this up to their necks. If the Government genuinely did not know about these Party-political questions, why has not the Premier publicly castigated Mr Cameron's foolishness and indiscretion in allowing Party politics to be linked with the taxpayer funded survey?

Mr Cameron also asks us to believe that the information of a Party-political nature was not passed on to the ALP. This suggestion is so fantastic as to be utterly unbelievable! The fact is that Mr Cameron obtained through this survey some very valuable Party-political information for the ALP, and he is a political strategist for the ALP. I have been given every reason to believe that the ALP organisation has seen the Party-political information obtained by Mr Cameron.

The Minister of Health is responsible to the Parliament and to the people. He must account to them for his actions and he must account for them fully. In this case, there has been no such accountability and the Minister must be held responsible, but he has refused to be held accountable. He has done everything possible to avoid it.

Does anybody in this Parliament doubt that, if the Opposition had not obtained a copy of this questionnaire, it would ever have been made public? If we had not continued to probe the question, does anybody in this Parliament believe that the Minister would have admitted voluntarily that he had political questions asked about himself in this survey? The answer to that has to be 'No': there is no way in the world that that information would have been made available if the Hon. Mr Lucas had not constantly probed this matter. He has done everything possible to avoid answering to this Parliament.

We have proved beyond doubt that the Minister of Health has persistently and deliberately misled this Parliament, and would have continued to do so, about a market survey poll that he commissioned with taxpayers' funds, and that the taxpayers' funds used for the survey have been taken for a ride. In these circumstances, the Minister of Health is no longer deserving of the confidence of this Council, and should resign forthwith.

The Hon. J.R. CORNWALL (Minister of Health): The distortions and mischief over the ANOP poll have been created and perpetuated not by me but by the Opposition. It has consistently and deliberately for a very long time misquoted my statements in an attempt to distort the truth. For three weeks I have been subjected to a campaign of malevolence unrivalled in South Australian politics ,for almost a decade; so I will take the trouble today to go, briefly at least, over the events that have occurred since June last year with regard to the so-called 'drug poll affair' or the 'survey scandal', both in inverted commas depending on how bizarre one's sense of humour is.

On 20 June last year the *News* carried a statement by me—and I must say that it was a perfectly accurate attribution—that I intended to canvass public opinion by initiating a poll on a wide range of alcohol and drug abuse issues. The ever alert Hon. Mr Martin Cameron in this Council on 9 August asked a question about that proposed survey. In reply I said that I had made it clear in a number of public statements over the previous six weeks that I believed that we needed much more comprehensive information concerning community attitudes on a range of very important drug related issues, including alcohol abuse.

During Question Time on the same day the Hon. Mr Lucas alleged that I had let slip, as he calls it—and that seems to be a favourite expression among Opposition members; the Hon. Mr Cameron used it several times today—that the proposed poll would not go to tender. The Hon. Mr Lucas, of course, was wrong: to suggest that I had somehow let slip anything of the kind was quite ridiculous. I had openly and honestly discussed on several occasions in public forums the course of action that I had proposed. Neither the Government nor the Health Minister was obliged to insist on public tender for market research. In fact, it had been common practice for several years under successive Governments for community surveys and market research in health related areas to be given to agencies judged most suited to conduct them. I have here a long list of consultants who were given contracts during the period of the Tonkin Government.

There are eight such consultant firms in the health area alone to name but one, and in very few instances did they

ever go to tender. So the idea that I somehow let slip that I was not going to tender is inaccurate. I made quite clear at the time (and several times subsequently) that I wanted the ANOP organisation to conduct that survey because I considered (along with a very large number of Australians) that Mr Rod Cameron and the ANOP organisation are the best polling and market research organisation in this country. It was at about that time (9 August) that I met with Mr Rod Cameron of ANOP and discussed in considerable detail the sort of survey that we required. It was to be, and has become, a major social planning document, which has been used in the development of policy initiatives to upgrade alcohol and drug abuse detection, prevention and treatment in South Australia.

In response to our discussion, Mr Cameron wrote to me in considerable detail setting out the areas to be surveyed. The letter was dated 11 August 1983. I will seek leave to table that letter in a moment. It consists of four pages signed by Rodney Cameron, Managing Director, ANOP. I will not read the letter in great detail, but it sets out the sorts of areas that would be surveyed and the sort of survey that would be conducted.

The Hon. L.H. Davis: Does it say anything about political—

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The letter begins:

Dear Dr Cornwall:

Re: Drug related attitude survey in South Australia.

At our recent meeting in which you outlined the Government's wishes in respect of a community attitude study regarding drugs and related matters, you requested ANOP to prepare an outline of our discussion. This letter will formalise the envisaged approach, method and broad content of the survey.

The Hon. R.I. Lucas: Get on to page 3.

The Hon. L.H. Davis: Read out what the questions were about—come clean!

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The letter continues at some length at page 4 as follows:

Costs and timing. The study, being an urgent one, is scheduled for fieldwork over the weekends of 27-28 August and 3-4 September, with final approval needed by Thursday 18 August. Preliminary results will be ready by mid September. The total cost of the study will be $32 000. ANOP accepts responsibility for all costs involved in the study—sampling, fieldwork and validation, analysis, computing and reporting—and for all travel and briefing expenses. Briefings on results will be at the Minister's discretion. I look forward to working with your department on this challenging study and welcome any comments you have on this outline.

The Hon. L.H. Davis: Did they say anything about questions on politics or policies?

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! There will be no further interjections.

The Hon. J.R. CORNWALL: Thank you, Mr President. They are at it again.

The Hon. L.H. Davis: Come clean!

The Hon. J.R. CORNWALL: Mr President, I do not intend to continue while I am subjected to this barrage of interjections. When there is order, you can call on me to continue.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Yes, of course I do. The great excitement presumably is about Government performance in one area. I will read all the points about Government performance. I refer to the assessment of Government performance in drug areas—

The Hon. R.I. Lucas: And other areas.

The Hon. J.R. CORNWALL: I refer to the assessment of Government performance in drug areas and in other areas.

The Hon. L.H. Davis: He probably can't take it.

The PRESIDENT: Order! I ask members to show some sort of decorum while a motion such as this is being debated. Members should speak to the motion and not interject across the Chamber.

The Hon. J.R. CORNWALL: Thank you, Sir. On page 3 of the letter, subsection (vi), under the heading 'Government performance' (presumably this is what the Hon. Mr Lucas is almost having physical disfunctions about), states:

Assessment of Government performance in drug areas and other areas for comparative purposes.

That was part of the general discussion. That has never been a secret. The letter continues:

Adjudged appropriateness of general Government approach to drugs and related areas.

Again, that has never been a secret. I am sure that you, Sir, and everybody in South Australia who is into current affairs, would remember that I had led a very intelligent and rational debate, which was recorded intelligently and rationally by all the Adelaide media (unlike this present so-called 'poll affair') on decriminalisation of marihuana for personal possession. I had always made it clear that part of this survey would impact on that particular area, that I had no intention of 'beating my head against a brick wall and trying to introduce legislation, whether it was a private member's Bill or Government sponsored legislation which would not meet with the approval of at least a significant minority or, preferably, a majority of people'.

So, everybody knew that, in that sense, in this sensitive social area, that, politics being about people, to that extent the survey was political. I will return to that in a moment when we look at the survey that was tabled. The next point made was as follows.

View regarding Government policies relating to availability, users penalties.

Again, that was specifically referring to drugs. The next point under that heading was as follows:

Minister's and Premier's profile, performance appraisal and reasons.

The Hon. R.I. Lucas: Minister's and Premier's profiles!

The Hon. Anne Levy: He's at it again.

The Hon. R.I. Lucas: Minister's and Premier's profiles!

The Hon. Anne Levy: He's at it again.

The PRESIDENT: Order! The Hon. Mr Lucas will not get many warnings during this debate.

The Hon. J.R. CORNWALL: Thank you, Mr President. That reference to Minister's and Premier's profile, performance appraisal and reasons related to the perceived attitude of the Government to drugs. I seek leave to table that letter *in toto*.

Leave granted.

The Hon. J.R. CORNWALL: It is not exactly the stuff that resignations are made of, Mr President, I assure you. As I said before, in response to our discussion, Mr Cameron wrote to me in considerable detail setting out the areas to be surveyed. That letter, which is dated 11 August, I have just tabled with leave of the Council. Subsequently, that submission was assessed by the Director of the Health Promotion Services Unit of the South Australian Health Commission. Before the Hon. Mr Davis or the Hon. Mr Lucas get any more physical afflictions or disfunctions, I warn them that they should remain calm and not make themselves subject to personal accident. That assessment by the director of the Health Promotion Services Unit of the South Australian Health Commission, which is addressed to Dr G. Andrews, Chairman, South Australian Health Commission, via Mr E.J. Cooper, Acting Deputy Chief Executive Officer, and which is dated 17 August, states:

Re: Drug related attitude survey in South Australia

I have reviewed the ANOP proposal for the above survey and would make the following observations:

1. The South Australian Health Commission has a number of requirements in relation to research and planning in the area of drug intervention in South Australia. These are:

(i) We need a basic attitude survey concerning beliefs and understanding of all drugs (excluding tobacco, for which we already have such a survey).

(ii) We need assistance in planning major priorities for interventions as a result of such survey.

(iii) We will subsequently need market research, particularly in the area of testing of relevant materials and commercials for intervention programmes.

2. The survey described in the submission adequately fulfils the first of these steps.

3. At the present time, it is not feasible for the research staff in Health Promotion Services to carry out such a survey due to other major commitments for the South Australian Health Commission, and therefore it would need to be contracted out. I believe that the proposal put forward by ANOP is a satisfactory one and is appropriate to fulfil the first part of the needs of the South Australian Health Commission as outlined above, and, therefore, in line with our normal policy, the job will not need to go to tender.

4. The cost is acceptable for this size of survey over this number of questions, provided that it is an administered survey by interviewers rather than a self-completed survey.

The PRESIDENT: Order! The time for debate on the motion has expired.

The Hon. C.J. SUMNER (Attorney-General): I move:

That Standing Orders be so far suspended as to enable Orders of the Day to be postponed and considered at the conclusion of the debate on the motion.

Motion carried.

The Hon. J.R. CORNWALL: The memorandum concludes:

5. I recommend that ANOP is contracted to carry out the survey described in their proposal subject to some further discussion on sample size, which may need to be slightly increased.

That is the response from the Director of Health Promotion Services in the Health Commission. Below his signature appear the words 'Approved, G.R. Andrews, 19.8.83'. Of course, Mr Andrews is the distinguished Chairman of the South Australian Health Commission. As I have said, that was all done according to Hoyle.

The survey was commissioned by the South Australian Health Commission and it was approved by the Chairman after being assessed by the Director of Health Promotion Services. In October the Hon. Diana Laidlaw questioned me further about the survey. At this stage it should be noted that I was open and honest about the survey at all stages. I said from the middle of June last year that I intended to initiate a survey, and I kept the Council informed at all stages as we went along. This motion would have to be the greatest beat-up of all time.

The Hon. L.H. Davis: Beating.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: It would be lovely if they got the Hon. Mr Davis on live television—it really would! Among other things, the Hon. Miss Laidlaw asked me whether I was prepared to release the poll for public perusal. Again, my reply was completely open. I refer to *Hansard* of that day, where I said, *inter alia*:

I also made it clear that a poll would be commissioned by the Health Promotions Unit of the Health Commission—not be done by the unit, as some people have reported.

The poll was done by ANOP, Mr Cameron's organisation, which is arguably the best polling organisation in this country. It was an extremely comprehensive survey and I have acted accordingly.

It was clear to me that the great majority of South Australians are not prepared to accept decriminalisation of marihuana. They have a very deep concern about the drugs issue generally and, rightly or wrongly, they are looking for simple legislative solutions.

Unfortunately, legislation is only one aspect of a very difficult series of problems but, most certainly we will oblige them as a Government by giving them legislation and introducing extremely harsh penalties for drug trafficking.

Of course, we have done that subsequently. In fact, the Hon. Mr Lucas was among the more enthusiastic supporters of the better parts of that legislation. I also said in October:

As to whether I intend to release the poll, I will be taking the results of that poll to my Cabinet colleagues. It has been publicly funded and I believe, in the circumstances, that many parts of the poll ought to be public property. It is my intention at the moment to make certain recommendations to Cabinet . . .

Contrary to Opposition claims, it has not been automatic or even common practice, as I said earlier, for the results of market research to be released. Nevertheless, consistent with the open approach that I have adopted from the outset, I tabled the ANOP report on community attitudes towards drugs and related matters in the Legislative Council on 8 December 1983.

In a Cabinet submission dated 16 November 1983, I sought and received Cabinet approval to publicly release that document. On the advice of my Cabinet colleagues and senior officers, I do not intend to table the Cabinet submission. On all the advice that I have been given, to do that would be to set a most undesirable and possibly dangerous precedent. Nevertheless, I am prepared to show it to any member in confidence, upon request—including the very diligent and beavering Mr Lucas. In the discussion part of the Cabinet submission, I make several points, and I intend to quote extensively from the document for the edification of members opposite, as follows:

1. Earlier in the year ANOP had been commissioned to undertake a survey of attitudes of the South Australian community relating to general attitudes and concern about drugs and drug laws, knowledge and awareness of drugs and drug usage, expectations about the future drug use and problems and the perceived need for drug education.

2. The overall aim of the survey was to provide the South Australian Health Commission with a data base on which to mount various information and education campaigns, and as such it was an important social planning document.

3. The survey was also designed to provide the South Australian Health Commission with information as to the acceptance of drugs and their adjudged effects. It covered both general and specific aspects of drug related attitudes.

4. The document would be used not only by the Health Promotions Unit, which conducts large scale community education programmes in the area of preventive health, but as a basis for informed decision making in the areas covered by the report. The recommendation was—

and there was one single simple recommendation which was ratified by Cabinet—

that Cabinet note and approve for public release the report on community attitudes towards drugs and related matters commissioned by the South Australian Health Commission in October 1983.

That is the date on the ANOP survey which was subsequently released on 8 December. Furthermore, just to prove that life for the Minister of Health is an open book, on 17 November 1983 I received a letter from Mr Barry Serjeant, Secretary to the Select Committee on Review of the Operation of Random Breath Testing in South Australia, as follows:

Dear Mr Minister,

I have been directed by the abovenamed committee to ascertain from you whether the recent survey conducted by your Department into drug use sought public opinion regarding random breath testing.

Of course, the Hon. Mr Cameron is a prominent member of that committee, as I recall. The letter continues:

If the survey did consider this matter, it would be greatly appreciated if the result could be made available to the committee.

A handwritten note was attached by one of my senior officers, as follows:

Minister, are you happy for this to go now? (No references to keeping it confidential to committee members, pending release?).

On 29 November I wrote below that note 'not necessary' and initialled it 'JRC'. Another handwritten note dated 22 November from one of my officers states:

The Select Committee on Review of the Operation of Random Breath Testing in South Australia is seeking a copy of the ANOP report on attitude survey of the South Australian community towards drugs and related matters. Can the Select Committee be given a copy of the report?

That note was signed by one of my officers. On the bottom of the note I have hand written:

Yes. Cabinet has approved its release as a public document. Send them a photocopy, not the enclosed original.

There were not enough originals to go around. The document was being widely distributed. I seek leave to table the series of documents I have quoted to further prove my *bona fides*.

Leave granted.

The Hon. J.R. CORNWALL: I briefly digress at this stage to put to rest some of the more stupid allegations that have been made about the alleged Party-political advantage that I obtained from this Government funded survey. Quite frankly, I do not know what advantage to me would have been in it at that time. Perhaps I could have taken the survey results, had they been given to me, around in my inside pocket to show to close friends on Friday nights. I do not really know. For the life of me, I cannot imagine what great Party-political advantage could have been gained from having in my pocket some poll on voting intentions that was taken in late August or early September 1983 for a Government that most likely will go to the polls in April 1986. It really is ludicrous in the extreme to suggest that there would have been any significant political advantage in some sort of poll being made available to me more than 2½ years before the first Bannon Government was to go to an election.

That, of course, is a ridiculous notion. The other thing is that polls are conducted by the *Bulletin* magazine every two or three months. If all we need is some sort of two-Party preferred voting intention or simply an indication of the raw figures regarding what Parties people would vote for on a particular day and who may or may not be undecided at that time, all we have to do (and I will let the Opposition into the secret) is go down to the newspaper stand at the railway station and buy a *Bulletin*, which costs, from memory, $1.50. That is all we have to do to obtain a poll on the standing of the Parties in South Australia every three months or thereabouts. But, for the time being at least, it would be a very good idea if the Opposition did not do that, because it might find itself suffering from acute clinical depression.

The Hon. C.M. Hill: Why don't you do the same thing?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The results have been so consistently bad in regard to the Liberal Party that there would not be enough Tryptanol in the State to medicate the lot of them, so it might be as well if they shy clear for the time being. On a far more serious note, the ground rules have been rewritten in South Australia in the past 10 days or so by the Opposition, more particularly by the Leader of the Opposition in another place, Mr Olsen. He deliberately and maliciously defamed and libelled me outside the Parliament on the Thursday immediately before Easter. The media in Adelaide, to a very significant extent, was taken by surprise, obviously. Words were used that were grossly libellous, according to the advice I have had from my solicitors, in any circumstances. It seems that we are now in a new ball park, and that is most regrettable.

The other point I want to make arising from the remarks of the Hon. Mr Cameron is that I was loath at all stages to involve Mr Rod Cameron. A journalist told me a fortnight before Holy Thursday (for those of us who are practising Christians) that I should involve Mr Rod Cameron, that I should get in touch with him and that I should ask him to make a public comment. I did not do that, because I did not want to drag Mr Rod Cameron directly into the political arena and have him slandered and defamed as he has been in this Council today, of course, under privilege. Mr Rod Cameron is no relation to Martin Cameron, the Leader of the Opposition in the Legislative Council, who saw fit to use coward's castle today to slander—

The Hon. L.H. Davis: You are the president of coward's castle.

The PRESIDENT: Order!

The Hon. Anne Levy: He's at it again!

The Hon. L.H. Davis: You think you have freehold title?

The PRESIDENT: Order!

The Hon. Anne Levy: There he goes again!

The PRESIDENT: Order! I ask the Hon. Mr Davis not to interject.

The Hon. J.R. CORNWALL: The Hon. Mr Cameron has used coward's castle today to reflect on Mr Rod Cameron's integrity in a way that would clearly be defamatory and libellous if he were to repeat his remarks outside the Parliament. Mr Olsen has already, I believe, defamed Mr Cameron outside the Parliament in any case. That is the morality of the Leader of the Opposition in the House of Assembly, and that is the sort of ethic we expect from the Leader of the Opposition in this place. It was specifically for that reason that I was, and remained, very loath to ever have Mr Rod Cameron directly involved in the public arena.

I continue with the story. On 8 December last year (the day on which I tabled the ANOP report) I also introduced the Controlled Substances Bill. In the second reading explanation I stated:

Earlier this year ANOP was commissioned by the South Australian Health Commission to undertake a survey of attitudes of the South Australian community in relation to general concern about drugs and drug laws, knowledge and awareness of drugs and drug usage, expectations about future drug use and problems and the need for drug education. Amongst the mine of information available in the survey is a clear indication that the great majority of South Australians are not prepared to accept decriminalisation [of marihuana]. Sackville, in making his recommendation, indicated that public opinion should be taken into account and that 'change cannot fly in the face of widely held attitudes'. The Bill takes cognisance of those attitudes.

Some five months later, on 10 April 1984, the Hon. Mr Lucas again raised the question of the ANOP survey. The Opposition has tried to make great play of the fact that, in making my reply, I said that the questionnaire and other results were already available to Health Promotion Services, to every member of Parliament, and to every member of the public. In the context in which those remarks were made, it is obvious that I was referring to the survey—not to the actual questionnaire. It is obvious to anyone who cares to look at the 89-page survey report prepared by Mr Cameron that the tables include both answers and questions on a large number of issues. Mr Lucas himself pointed out on that day that sometimes reports do not give the precise form of questions asked. In fact, Mr Lucas stated:

. . . they can sometimes summarise the general nature of the questions without providing the exact terms of the words used.

During the same Question Time, the Attorney-General said quite precisely that the ANOP survey results had been tabled and were available to the public and that the questionnaire had not been made available. Despite that clear understanding, the Opposition tried to claim that I had somehow been remiss. Members opposite kept up that line when they knew perfectly well that it was nonsense. The point which I was making and which I emphasise yet again is that the Government paid $32 000 for a survey that was properly commissioned and conducted. The results of that survey were made public. What we got was what we paid for. On 11 April 1984 I told the Council, in response to a further question from Mr Lucas, that I have never seen the questionnaire. I stated:

The questionnaire (that is, the entire series of questions that may or may not have been asked by ANOP in that survey) I have not seen. I am not privy to the questionnaire; I have never seen it and to the best of my knowledge it remains the property of ANOP.

Those were my exact words. They were and are absolutely true. Mr Lucas, of course, was not satisfied. He was determined to attribute knowledge or remarks to me without regard to the truth of the matter. Despite the denial that I had ever seen the questionnaire, the honourable member told the Council with great flourish:

He—

that is, me—

knows full well that it included at least one question asking people how they intended to vote if a State election was to be held at the time of the survey.

I could not have known that, because I had never seen the questionnaire. I did not know what were the specific questions. It was obvious by this time that the Opposition was trying to whip up a phony scandal. In reply to the Hon. Mr Lucas, I said:

The Hon. Mr Lucas now gets to his feet and claims that he has clear evidence that in a survey conducted by ANOP for the Health Promotion Services Unit of the Health Commission at my instigation questions were asked about voting intentions if an election were to be held on Saturday. Frankly, he is privy to more information than I, because I certainly did not commission a poll that asked about voting intentions on Saturdays, Sundays, Wednesdays or any other days. I certainly did not pay for a poll that asked about voting intentions.

As one can see, I stressed time and time again that I had not instigated questions concerning voting intentions and that I had never seen the questionnaire. I did not initiate a poll concerning voting intentions: I initiated a poll concerning community attitudes to drugs and related matters, and the methodology and detailed questions were not referred to me for approval or rejection.

It did not take a genius to work out, as the Hon. Mr Lucas did when he finally produced his so-called evidence, that some of the questions must have related to people's political positions. Page 6 of the survey tabled in Parliament by me some five months earlier talks about conservative voters and Labor voters. The second table in the Schedule of Tables reveals that 55 per cent of Labor voters and 66 per cent of Liberal voters were very concerned about drugs and drug laws. What fertile ground that was for the unimaginative sleuth! There were many more references to voting intentions—more than 30 in a report of 89 pages. It was a short step for the Hon. Mr Lucas to increase the stakes and accuse me of being, as he put it, 'personally involved in a cover-up for the past six months concerning a gross abuse of his Ministerial position in using a $32 000 taxpayer-funded survey by a market research company associated with the Australian Labor Party to poll his personal approval level'. In this he alleged that I was aided and abetted, directly or indirectly, by the Attorney-General. The charges are and were ridiculous.

Throughout the whole affair the Hon. Mr Lucas and his colleagues have carefully avoided quoting me accurately or fairly. The Hon. Mr Lucas has, I submit, deliberately ignored the fact that I have repeatedly said and have now been backed up by Rod Cameron—according to all the media reports—that I had never seen the questionnaire. For the benefit of the Hon. Mr Lucas, I repeat that I paid for a poll concerning community attitudes to drugs and related problems and I did so without knowledge of the specific questions asked of the people who were interviewed. I told the Council that Mr Cameron's questionnaire and methodology were his business and that I was well satisfied with the excellent report that he produced. That is still my position.

On Thursday 19 April it was my pleasure, as Minister of Health, to attend the unveiling of the model for stage 1 of the proposed Noarlunga Health Village. Reporters approached me with copies of the questionnaire, produced like a rabbit out of a hat by the Leader of the Opposition, Mr Olsen, who by that time was busily trying to upstage the junior back-bencher, the Hon. Mr Lucas. What a fantastic development that was for the plodders who had so cunningly contrived to embarrass John Cornwall. The first time I saw the questionnaire was that morning at Noarlunga. It changed nothing. The circumstances were exactly as I had told Parliament. I had not previously seen or asked for the questionnaire. I have said that consistently and I repeat it today. I did not mislead the Council. The questions were devised by ANOP and the results that Rod Cameron gave me have been provided to this Parliament.

In closing, and I put on record, I do not pretend that the abuse and distortion of recent weeks have not affected me. I have come to realise, unhappily, that politics in the final analysis is a blood sport in which the victims are those who dare to try to rise above mediocrity. I have been pilloried for my political passion and vilified for my enthusiasm. The Opposition's campaign has been a cynical political device used in an unsavoury but unsuccessful attempt at my political assassination.

The Hon. R.I. LUCAS: The Minister of Health knowingly misled the Council on Wednesday 11 April when he denied that there was a voter intention question in the survey. The Minister knowingly misled the Council on Tuesday 10 April when he indicated that the questionnaire and all results to all questions were available to all members of the public. The Minister knowingly misled the Council on a number of occasions when he indicated that only one political question was added to the drug survey. The Minister knowingly misled the Council by attempting to cover up for nearly six months this disgraceful situation by refusing to answer certain questions and by omitting in certain answers to questions matters that were of his knowledge.

These are the specific accusations that the Opposition makes today in this motion. These are accusations of the gravest kind that have not been answered by the Minister and, obviously, cannot be answered by him. There has been a significantly new development in this whole distasteful affair today. I will refer in some detail to that later. Clearly, it appears that the Minister of Health has been deliberately cut adrift by his own Premier. This document tabled in another place and now tabled by the Minister in this Chamber is the political noose for the neck of the Health Minister. The surprising part is that the noose has been tightened not only by the Opposition but also, evidently, with the assistance of his own Premier. I will refer to this significant new development later.

As I indicated earlier, the Opposition and I make the distinction between unknowingly and knowingly misleading a House of Parliament. This accusation is that the Minister deliberately, knowingly and quite brazenly misled this House of Parliament. Erskine May, the Parliamentarians' Bible for such matters, on page 149 under the heading 'Misconduct of members or officers of either House as such', and the subheading 'Deliberately misleading the House', states:

The House may treat the making of a deliberately misleading statement as a contempt.

There is a significant chapter dealing with the offence of contempt of Parliament and it gives an example where, in 1963, the House resolved that in making a personal statement which contained words which were later admitted not to be true, a former member had been guilty of a grave contempt. That former member was Mr Profumo. There are a number of other references I could quote but time does not permit me to go through all of them; suffice to say that they all agree that misleading a House of Parliament by a Minister

is an offence of the gravest kind. In effect, it is called, by Erskine May, a contempt of the House of Parliament.

The Hon. J.R. Cornwall: Beating a story to death is not too good—it's cruelty.

The Hon. R.I. LUCAS: We will not be beating the story to death—it may well be the Health Minister. Two weeks ago I moved an urgency motion. At that stage the Opposition had considerable information, and the noose was tightening around the Minister's neck. At that stage the Minister had admitted that one personal approval question was in the drug survey. Also, the Opposition had an affidavit from Miss Marie Hartwig to say that she had been asked eight or nine political questions over and above the drug survey questions. The Minister, in this Council and on *Nationwide* that evening, cast doubt on the veracity of Miss Marie Hartwig's story. On *Nationwide* the Minister used phrases such as 'Miss Hartwig has been discovered by the Hon. Mr Lucas', and the Minister, using the appropriate inflexion of his voice, indicated that she had remarkable feats of memory to remember eight or nine political questions in a drug survey.

The Minister did everything in his power—without calling Miss Marie Hartwig a liar—to cast doubt on the veracity of Miss Hartwig's story or affidavit. At that stage the Minister was reasonably confident of his ground. He believed at that stage that the only two groups that had the questionnaire, or possibly had access to it, was either the Minister's office or a section of the Health Commission (which he now denies) or his old mate, Rod Cameron of ANOP. The Minister was reasonably confident that the questionnaire would not fall off the proverbial truck from either of those two sources. That is why he was prepared to tackle the veracity or cast doubt on the truthfulness of Miss Marie Hartwig's declaration. However, the next day the proverbial truck did pass by and the questionnaire was made available.

For the last week we have seen the Minister going off like an unguided missile amongst the press, the media and politicians of Adelaide. The questionnaire backs Miss Marie Hartwig's declaration on virtually every account. Only in one area of the eight or nine questions does it not back Miss Marie Hartwig's declaration. So, it ought to be placed on the record that Miss Marie Hartwig's declaration has been proved substantially correct. It is an interesting coincidence, which I will not delve into in too much detail, that the one area in which Miss Marie Hartwig's memory was a little defective was in relation to a Federal voting question. There were a number of questions on State voting intention and previous State voting intention. However, her memory with respect to Federal voting intention was a little defective. That was the one area, out of the eight or nine questions, that the Health Minister attacked in this Chamber and on *Nationwide*. It was the one area that he pooh-poohed. It was the one area out of the eight or nine political questions that Miss Hartwig listed that the Minister challenged.

The Hon. R.J. Ritson: Was that because he had seen the questionnaire?

The Hon. R.I. LUCAS: It may be a coincidence but, if one is cynical, one would wonder how the Minister would attack Miss Marie Hartwig in this Chamber and on *Nationwide* on one error out of eight or nine questions when the Minister indicates that he did not know what was in the questionnaire. The Minister indicated that he had not seen the questionnaire.

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Minister indicated that no section of the Health Commission had the questionnaire, yet the Minister was able to tackle Miss Marie Hartwig on one area out of the eight or nine and, through sheer coincidence—

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: It is quite amazing that the Health Minister was able to attack Miss Marie Hartwig in the one area, out of the eight or nine, in which she was in error.

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Hon. Mr Cameron has given specific detail on where the Minister has misled the Parliament. I will not read out each and every one of those points again. Suffice to say that the Minister is on the record, as all members can see, as saying that both the questionnaire and the results of all survey questions had been tabled and were available to all members of this Chamber and all members of the public. He is on the record as saying 'they are available'. The Minister indicated this morning that by using the plural 'they are' he was really referring to one thing, namely, some of the survey results. That is not what he said. He said 'they are'—the questionnaire and the survey results. On the following day he misled the Council again when he stated, 'I did not commission a poll—I did not pay for a poll that asked voting intention questions'.

Forget about everything the Minister has said in his feeble or attempted justification this afternoon that we should have all known back in December that the document tabled indicated at least indirectly that there was a voting intention question because, five months later, this Minister, in response to a question, said, 'I did not pay for a poll that asked for voting intention on Saturdays, Sundays, Wednesdays, Mondays, Thursdays or whatever.'

So, when members in this Chamber are judging on how to vote on this matter, they must deem irrelevant what the Minister has said this afternoon, must look at the specifics of what the Minister said just two weeks ago in this Chamber, as recorded in *Hansard* and not attempted to be changed in any way by the Minister as not being a fair and accurate reflection of what he said in the Chamber. Clear evidence of two specific examples exist of the Minister misleading the Council. There are any number of other examples, but the third example is in relation to there being only one additional question. That was the Minister's final acknowledgement after persistent Opposition questioning of him. He said, 'Yes, I concede—I am humble—there was one personal approval question'.

That leads us into the significant new development today in this whole distasteful affair. I cannot for the life of me understand (although, perhaps I can) the letter dated 11 August from Mr Rod Cameron, Managing Director of ANOP Market Research Company to Dr John Cornwall, Minister of Health. This document was tabled in another place earlier and the Minister of Health has now tabled the same document in this Chamber. I can only guess that the Minister had not tabled this letter previously, so, clearly, there must have been some considerable pressure on the Minister to table this document by members of his own Cabinet and, no doubt, by his own Premier.

As I indicated, when one looks at this letter in detail, no doubt exists that the Minister of Health has been quite deliberately cut adrift by his own Premier. His own Premier will not be a party to the further concealment of information such as this which, quite clearly, damns the Health Minister's whole story that he has tried to put for over six months and has proceeded to put only this afternoon. The letter states:

> Dear Dr Cornwall,
>
> Re: Drug Related Attitude Survey in South Australia.
>
> At our recent meeting in which you outlined the Government's wishes in respect of a community attitude study regarding drugs and related matters, you requested ANOP to prepare an outline of our discussion.

It states 'you requested'—that is, John Cornwall requested. The letter continues:

> This letter will formalise the envisaged approach, method and broad content of the survey.

Let us be quite clear about that. It states that the letter will formalise the broad content of the $32 000 survey. It then goes on to give the background, the aim, the method and, then, we get on to the content. A number of areas quite specifically concerned drug-related questions, so I will not bore the Council with the detail. Under section 6—Government Performance—Mr Rod Cameron indicates, in a letter of six months ago to the Minister of Health, 'The survey will include the Minister's profile and the Premier's profile.'

This is a letter from Rod Cameron to the Health Minister. It says that the content of the survey would include the Government performance and the Minister's profile, as well as the Premier's profile, as well as their performance appraisal and reasons. Let us be quite clear on that: the Health Minister has indicated that there was one additional, piggyback question, which is in effect question 13 *(a)*, which asks whether people are satisfied or dissatisfied with the performance of the Health Minister.

The Hon. R.C. DeGaris: We could have another one pretty shortly.

The Hon. R.I. LUCAS: The Hon. Mr DeGaris says that we could have another one pretty shortly. I can only surmise from the Premier's actions in another Chamber that that may be the case. The Health Minister has conceded one additional question, but he said that there were not any others. In a letter to the Health Minister six months ago Rod Cameron indicated that there would be a further question on the Premier's profile and that there would be a further question on the reasons for the Minister's performance. That, for those members who have the questionnaire, is question 13 *(b)*, because when people were asked whether they were satisfied or dissatisfied the next question was, 'Why do you say that?' and there is a space there for the interviewer to record manually—not in a computer box—the verbatim response of the interviewee. So, here is complete and damning evidence that what the Minister has been saying to this Council—not outside the Chamber, but to this Council—is not true. He has grossly misled the Council on a number of occasions.

Further on, this letter from Rod Cameron says, 'Demographics for analysis', and there is the demographic, 'Political views'. Clearly, Rod Cameron told the Health Minister in a letter that there would be a question on voting intentions. Yet, this Minister had the gall and the effrontery two weeks ago to stand up in this Chamber and deny that he had commissioned or paid for a poll that included voting intention questions.

Further on it says, 'Assessment of Government performance in drug areas and other areas'. There is no doubt that a drug survey ought to probe Government performance in drug areas. However, it says also, 'Government performance in other areas'. There were a number of questions: question 8 *(b)* looks at schools and education, South Australia's mineral deposits, taxes and charges, crime, law and order, and hospitals. Then there are a number of other questions—questions 6 *(a)*, 6 *(b)*, 7 *(a)*, and 7 *(b)*—that ask what problems there are, how is the Government going, what are the two best things, and that sort of questioning, clearly indicated in this letter to the Health Minister by Rod Cameron six months ago.

The Hon. C.J. Sumner: When did you get the questionnaire?

The Hon. R.I. LUCAS: The Attorney-General has a smirk on his face and keeps asking when we got the questionnaire.

The Hon. C.J. Sumner: I did not keep asking: I just asked you the first time.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The answer is exactly the same as the one that was given by the Leader of the Opposition to the Attorney-General: that is, on the Wednesday evening of the last sitting of Parliament.

The Hon. C.J. Sumner: You had not seen it before then?

The Hon. R.I. LUCAS: The Attorney asked when we got it, and I have answered his question.

The Hon. C.J. Sumner: Had you seen it before then?

The PRESIDENT: Order! The honourable member does not have to answer that.

The Hon. R.I. LUCAS: Thank you, Mr President, for your protection.

The Hon. C.J. Sumner: Had you seen it before then?

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Attorney seems to make great play on whether we had seen it before or not, but it does not matter whether we had or not. The answer is that we had not, but it does not matter if we had because the Attorney-General, the Premier and the Health Minister had refused to release it, but whether we had or we had not—

The Hon. C.J. Sumner: Had you seen the questionnaire last December?

The Hon. R.I. LUCAS: I just told the Attorney-General: No, I had not see the questionnaire last December.

The Hon. M.B. Cameron: Or January.

The Hon. R.I. LUCAS: Or January, February, or March. April, yes, because it was the Wednesday before Easter. So, I really do not know what the Attorney-General is fishing for because, even if we had had it, it does not really matter.

The Hon. M.B. Cameron: Why don't you cover August?

The PRESIDENT: Order! The Hon. Mr Cameron must come to order. The Attorney-General also.

The Hon. R.I. LUCAS: I will leave that matter of this new development today because I understand that it is also being pursued in another House.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! If the Attorney-General continues when I have asked him to cease I will take action.

The Hon. R.I. LUCAS: Thank you, Mr President. Perhaps the Attorney-General might like to be kicked out so that he does not have to vote on this matter. That may well be his tactic.

The PRESIDENT: I ask the Hon. Mr Lucas to continue.

The Hon. R.I. LUCAS: Thank you, Sir, for your protection. The Government defence on this matter has been, in effect, one of stonewalling and has relied on Mr Rod Cameron to be the sole defender of the Health Minister. The Premier and the Attorney-General, whenever they have had a chance, have sought to protect their own positions. I do not criticise them for that; they obviously want to last. The sole defence has been from Mr Rod Cameron. Quite simply, I believe that Mr Rod Cameron is not telling the truth in this matter and I challenge him to debate this matter and his explanation anywhere, any time or any place.

The Hon. J.R. Cornwall: He would not demean himself. That would be coming down to your level.

The Hon. R.I. LUCAS: That was just to cover the Health Minister who might say that I am using coward's castle. I will put that to rest by saying that I challenge Rod Cameron—I would challenge the Health Minister for that matter, but I would not demean myself—to debate this matter anywhere, any time. Mr Rod Cameron is not telling the truth in this matter. I will say why he is not under five broad categories. First—

The Hon. J.R. Cornwall: Would you repeat that outside?

The Hon. R.I. LUCAS: I will take Mr Cameron on anywhere, if the Minister did not hear that.

The Hon. J.R. Cornwall: Would you repeat those words outside?

The Hon. R.I. LUCAS: I will repeat them outside, and I will debate them outside—and the Minister.

The Hon. J.R. Cornwall: I would not demean myself; I have told you that.

The PRESIDENT: Order! The Minister of Health has had a fair go, and I ask him to stop.

The Hon. J.R. Cornwall: I have had a terrible go for weeks.

The PRESIDENT: I cannot help the Minister that way, but I do not intend to let him keep on interjecting.

The Hon. R.I. LUCAS: That might well have been self-inflicted on the part of the Minister. On 19 April, Rod Cameron was contacted by the *News*, and his story in the first editions of the newspaper—I will not quote them verbatim—was basically, 'I did the survey for Dr Cornwall and the Health Commission; I am not inclined to answer any questions about this; you go off and ask them.' Subsequently, Mr Cameron was contacted by a representative of the Premier and, all of a sudden, Mr Cameron was prepared to put out the Government defence. That was printed in the later red spot edition of that *News*.

Basically, the Rod Cameron fairy tale is that this is par for the course; it is a standard warm-up procedure which makes people at ease in their response to the latter questions if they are asked 11 questions about John Cornwall, the Premier and politics. As I said, that is a fairy tale—perhaps a Grimm fairy tale, certainly very grim for the Health Minister.

Ian McGregor, who is the President of the local Market Research Society and therefore held in some esteem by his market research colleagues in South Australia, on the following Sunday cast some doubt on certain sections of the Rod Cameron fairy tale—he did not use those words; I used the words 'fairy tale', but the Rod Cameron story.

I will read into the public record a statement made by Peter Gardner, who is a former President of the Market Research Society, and who has had 27 years experience in the industry. I am sure that all members of the press, and other media, will be aware of Peter Gardner's reputation gained from his Omnibus surveys conducted throughout the past 10 to 20 years. He rejects the claims of Mr Rod Cameron and says the following:

> It is not standard practice to use 11 Party political questions to lead into a survey of 15 questions on a topic such as drugs. It is extremely poor research practice to use political questions as a lead into a survey on a topic such as drugs. People tend to be very wary of political questions.

The Hon. C.J. Sumner: He hasn't a vested interest?

The Hon. R.I. LUCAS: No, because he is no longer in the industry, so do not cast reflections on Peter Gardner.

The Hon. J.R. Cornwall: You do not mind casting reflections on Rod Cameron.

The Hon. R.I. LUCAS: He has inflicted this on himself. Peter Gardner is now a mature age student undertaking studies and is not involved in market research. He has sold his practice. The Attorney knowing that I am sure he will not continue to cast reflections upon Mr Gardner. He continues:

> People tend to be very wary of political questions.

I interpose that he also says that questions on personal hygiene, income and religion are similarly very sensitive areas for market researchers, together with political questions, so we are in good company. The quote continues as follows:

> . . . and, rather than putting people at ease, they put people ill at ease. Twenty-seven years of market research practice demonstrated that for this reason political questions and, in particular, voting intention questions, are placed at the end of a survey, if they need to be placed anywhere at all.

Ian McGregor, present President of the Market Research Society, Peter Gardner and three other persons currently involved in the market research field to whom I have spoken but who were not prepared to be named because they have contracts with the Government and therefore have some fear of future action all agree (sometimes in colourful terms) that what Rod Cameron was saying was not standard practice and, as I have suggested, amounts to a fairy tale.

As the Hon. Mr Cameron has indicated, evidence has been presented to us in respect of previous publicity from ANOP interviewers that this was not standard practice. There is a lot more to be said about this matter, but I will not take up further time of this Council in going over this matter again. Clearly, the Minister of Health has misled the Council on a significant number of occasions and this new evidence (obviously released with the approval of the Premier) has clearly tightened the political noose around the Minister's neck. I will conclude on another note while addressing my remarks specifically to my two colleagues, the Australian Democrats. I know that both the Hon. Mr Milne and the Hon. Mr Gilfillan, whilst we have disagreed on some matters, share a common respect for this Chamber, its conventions and the traditions of our system of Government. As I indicated previously, I make a distinction between knowingly and unknowingly misleading this Council. I draw to the attention of my colleagues (the Australian Democrats) and to Labor Party members as well, the fact that there has been no political penalty at all imposed on the Minister by the Premier for his behaviour.

The Minister is quite brazen about this matter and is not apologising about anything. The Premier is not saying anything. We are being asked to accept that, in future, similar behaviour by a Minister (whether a Labor, Liberal or Democrat Minister, it does not matter) of standing up in this Chamber and knowingly telling untruths and misleading members of this Chamber will be acceptable practice. We are, in effect, being asked to condone the use of Government contracted market research, whether it be for Labor Party or Liberal Party (and I make no distinction), for Party-political surveys. We are asked to condone that practice. This is a serious matter and I ask all members to think about it seriously because if there is to be no penalty imposed on this Minister, and if this motion does not pass this Chamber, then quite clearly the Chamber is giving this Government, and in particular this Minister and the Premier, a licence to continue this practice and *carte blanche* that in future this sort of action will not be punished and will not incur a political penalty.

The Hon. R.J. Ritson: Look at Jack Wright!

The Hon. R.I. LUCAS: The Hon. Mr Ritson raises another important matter, but I think that this matter is sufficiently important that all members should think seriously about this motion. It was not moved lightly, is a serious motion and one of the gravest concern and I hope that there will be support for it in this Council.

The Hon. C.J. SUMNER (Attorney-General): This motion is a serious matter, although it appears that honourable members opposite are cheapening the motions of no confidence and censure by moving them regularly in relation to matters of little substance. Viewing it, as we do, as a serious matter it is important to consider the performance of the Minister in context and to consider, if the Council is to pass a motion of this kind, the full achievements of the Minister of Health since he took office in November 1982. This I will now do. I think that all commentators, all people involved in this Parliament (except perhaps for Opposition members who have a vested interest to oppose his performance), and those people who know about the administration of the Health portfolio in this Parliament (commentators and, I believe, people within the Health Commission) have been extremely impressed with the very

important list of achievements that have occurred in the Health area during the administration of the Hon. Dr Cornwall. Indeed, it is interesting to note that an honourable member opposite, the Hon. Mr DeGaris, is on public record as indicating that the present Minister of Health, Dr Cornwall, is the best Minister of Health we have had in this State in the past 14 years. Commentators and others who have written on this subject have also expressed praise for the honourable member's administration of his portfolio.

In considering a motion of this kind we ought to consider the whole context of the matter. We should consider all matters that the Minister has been involved in and all the achievements he has been able to bring to the Health portfolio for the benefit of South Australians. I will draw to the attention of the Council some of those achievements. In the area of facilities I point out that Noarlunga Health Village is under way. Its planned completion date is March 1985 and it will provide community health facilities and a 24-hour emergency accident facility for the southern suburbs. The Lyell McEwin Health Village and Hospital, first phase of redevelopment, an upgrading of this important hospital in the central northern region, is planned for completion in March 1986. The Whyalla Hospital redevelopment and modernisation project will have more than $1 million spent on it in this financial year. There have been significant achievements in other areas, for instance, the extensions of the South Australian spectacle scheme to cover not only pensioners but also health benefit card holders and low income earners.

In fact, 76 000 spectacles will be dispensed under this scheme in a full year. There was also the extension of the South Australian Dental Service, through the School Dental Service, to provide free dental treatment not only to primary school children but also to Government assisted students in secondary schools. There is also the establishment of the Mamba Health Council, a community based Aboriginal controlled health service in the north-west of the State; the establishment of a similar health service for Aborigines at Port Augusta (Davenport); the establishment of women's health centres in Elizabeth and Noarlunga, operating in the first place with the co-operation of the Adelaide Women's Health Centre. As I have mentioned, work is under way on the health village complex on the site of the Lyell McEwin Hospital. I have already mentioned the Noarlunga health village project, which envisages a larger hospital at a later stage.

The Hon. R.I. Lucas: Is this an obituary?

The Hon. C.J. SUMNER: It is an attempt to get some balance into the debate on this important matter. If the Council is going to consider a motion of no confidence, we must consider the matter in context. We must consider it in the light of the Minister's performance in a very important portfolio—the health portfolio. I am putting to the Council that the Minister's performance has been very impressive. Other achievements during the Minister's term include major improvements at the Port Augusta Hospital, including quality assurance mechanisms, a complete reprivileging exercise and the appointment of a new board; the appointment of Dr Peter Last, seconded from the Health Commission to the post of Medical Superintendent at the Julia Farr Centre, with consequent significant improvements in the standard of medical services generally acknowledged; and the major $5 million programme to combat lead pollution of the environment at Port Pirie.

The programme of free testing of children and decontamination of the environment at Port Pirie is specifically designed to reduce the blood lead levels of children in the area. It will be monitored throughout the first year and modified wherever necessary. Again, the Hon. Dr Cornwall was the first Minister of Health to grasp the nettle on this particularly difficult issue. The list of his achievements does not stop there. A significant attempt has been made to combat smoking in South Australia through a campaign sponsored by the South Australian Health Commission during the term of the present Government—the Stop Smoking Campaign in South Australia. There has also been the launch of an immunisation campaign for migrants, following the production of evidence that their level of immunisation was not as high as it should be. There has been the establishment of occupational health and safety management graduate diploma courses at the South Australian Institute of Technology. There has been a number of significant reviews and inquiries which should form the basis of the administration of health services in this State over many years into the future.

The inquiries include the Opit Inquiry into Ambulance Services in South Australia, the inquiry into hospital services in South Australia by Professor Sax, the inquiry into mental health, the inquiry into school dental services, and a significant review of migrant health, which is now part of the Ethnic Affairs Commission, and the Government's task force programme in Government departments. That is now being put into place by an implementation unit within the Health Commission to ensure that the health of migrants and their particular needs are attended to. A task force has also been established on medical services for victims of child abuse; a review of Health Commission management; an inquiry into Aboriginal health services in this State; and an inquiry into the effects of atomic weapons testing on Aboriginal people, which is currently very much in the news.

Of course, the Minister of Health was significantly involved in the introduction of Medicare, as part of the Federal Government's comprehensive health programme. The Minister, for the first time in Australia, established a position of women's adviser to the Minister of Health and the Health Commission. There has been a modernisation and streamlining of the Central Linen Service and, apparently, the Opposition now wants to sell it, despite the fact that it is now operating at a profit. There is a significant programme to identify and reduce repetition injuries in South Australia, which cause so much loss of time in the work place.

The Controlled Substances Bill introduced and passed by this Parliament was a significant attempt to deal with the problem of drug abuse and trafficking in our community, particularly in hard drugs. There has also been a doubling of funding for the independent living centre during the administration of the Hon. Dr Cornwall. In addition, in the legislative area, there is a new Medical Practitioners Act, which was passed by this Parliament during the Hon. Dr Cornwall's administration.

I put to the Council that, in considering this matter and whether or not a vote of no confidence should be passed, this is a significant step to be taken by any House of Parliament. It is an important step and one that should be carefully considered. I put to all honourable members—those opposite and those on the cross benches in particular—that when considering how to vote on this particular motion it is of the utmost importance to see the matter in its full context. It is of the utmost importance to look at the record of the Minister of Health, which I have outlined to the Council. I think that any objective observer in this Chamber and any objective observer in the public of South Australia who looked at that record would have to concede that it is a very considerable list of achievements to the credit of the Minister of Health in the brief period of some 18 months in office.

The health portfolio is one area of Government activity where many advances have been made. The ground work has been laid for significant and important improvements

in health services to the community of South Australia. I now turn to the question of the survey that was tabled in this Council. Again, it was an important survey. The information contained in the survey (tabled on 8 December 1983) is not only available to the Health Commission. The survey was commissioned by the Health Commission, but it was not kept secret within the Commission, nor was it kept within the Minister's office. The Minister made the survey public on 8 December 1983, when he introduced the Controlled Substances Bill, which I have already mentioned. That was a very large survey document which contained a considerable amount of information about attitudes to drugs in South Australia. I believe that that document will form the basis for policy making by the Health Commission, the Government, the Opposition, health units, and the community of this State over a considerable period. As I have said, that survey was made available to the Council and to the public.

While talking about surveys, it is interesting to note that when the Liberal Government was in office a large number of surveys of this type were commissioned. It is also interesting to note that a number of those surveys included questions that could be deemed to be political. For example, the former Minister of Environment and Planning (the member for Murray) commissioned a survey in 1980 on the environment. As part of that survey people were asked to rank a number of issues in order of importance, which gave the Government information on such matters as the level of Government spending, unemployment, energy, health, and education.

Another question asked whether or not respondents had been active in the anti-nuclear movement or whether they were opposed to the anti-nuclear movement. Of course, this was at the time that the debate on Roxby Downs was at its height and when the split in the community and the different views in Parliament on this topic were at their height. It was a highly political question. The Department of Environment and Planning also makes use of the McGregor omnibus survey, which contains political questions. The Health Commission and the Department of Tourism made similar use of omnibus surveys, and the then Minister of Mines and Energy even participated in a national survey conducted by Rod Cameron's ANOP company. So, during the term of the previous Government there were a number of surveys of this kind and certainly some contained questions which could be deemed political or which were asked in a political context having significant and direct political consequences, such as the question that I have cited.

I will deal briefly with three specific matters, the first of which relates to the Opposition's tactics in this matter. It is important that, although the Hon. Mr Cameron has responded and said that he did not know anything about this questionnaire, and that he had not seen it until, I understand, the week before last, prior to Easter, the Hon. Mr Lucas, after some hesitation, has now stated that he had not seen the questionnaire until the day before Easter. The honourable member is now nodding his head in assent. He admitted that with some hesitation, and it might be interesting to know, if the Hon. Mr Lucas had not seen the questionnaire, whether he was told about it, when he was told about it, whether he was told about the questionnaire prior to December last year, or what information he had about it. The honourable member has denied that he had seen the questionnaire, and that matter may perhaps be pursued at some length later.

The Hon. M.B. Cameron: Are you grasping at straws?

The Hon. C.J. SUMNER: No. All I am seeking from the honourable member—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: Well, he was very reluctant to answer the question when I interjected.

The Hon. R.I. Lucas: The President will tell you not to respond to interjections.

The Hon. C.J. SUMNER: The honourable member is never reluctant to respond to interjections generally, but on that occasion—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Cameron is not the Hon. Mr Lucas, and what the Hon. Mr Cameron may know is not necessarily what the Hon. Mr Lucas knows. Nevertheless, I merely make that point. The second point I wish to make is that the Hon. Mr Lucas has not been completely straightforward in the way in which he has asked questions in this Parliament on this issue.

The Hon. M.B. Cameron: What?

The Hon. C.J. SUMNER: The fact is that he has taken answers out of context.

The Hon. M.B. Cameron: Which one?

The Hon. C.J. SUMNER: I will explain. The honourable member has attempted to allege cover-ups on the part of the Minister of Health, and at one stage he attempted to involve me in that allegation. It is interesting for one to note, if one considers the questions that the honourable member asked in October 1983, that the questions were not to me; in fact, the honourable member stated:

> I seek leave to incorporate into *Hansard* about 50 questions in relation to State Government expenditure and policy.

The first question was:

> For each Government department and the South Australian Health Commision—

And then there was a series of questions about market research. The second question, relating to the cost of the survey conducted by Mr R. Cameron for the Minister of Health on drug related issues (and it is interesting to note this) stated:

> Will the Minister provide a copy of the questionnaire used? Will the Minister provide a copy of the results to all questions asked?

The questions that the Hon. Mr Lucas asked in this Council were to the Minister of Health.

The Hon. R.I. Lucas: You were handling the Bill.

The Hon. C.J. SUMNER: I was handling the Bill, but in the Committee stage of the Appropriation Bill debate.

The Hon. R.I. Lucas: I asked you.

The Hon. C.J. SUMNER: The honourable member did not ask me. In the Committee stage of the Appropriation Bill debate it is quite appropriate, it has happened before in this Council, and normally it is the procedure that honourable members put their questions to the Minister concerned, and that is why the honourable member directed questions to the Minister.

The Hon. R.I. Lucas: To you.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: If the honourable member wishes me to go through it, I will.

The Hon. R.I. Lucas: In relation to what?

The Hon. C.J. SUMNER: In relation to some comments of the honourable member. I point out that the Hon. Mr Lucas has not been straightforward in his questions and interpretation of answers in this matter. The fact is that the question he asked about this matter was directed to the Minister of Health. In his first question on 10 April the honourable member stated:

> I put a series of questions to the Minister of Health on a survey of drug related issues.

The honourable member stated that in October he had put a series of questions to the Minister of Health on a survey of drug related issues. But, later it did not suit the honourable member's convenience to sustain that the questions were to

the Minister of Health; he decided that the questions were to the Attorney-General, so he stated that he had put a series of questions to the Attorney-General. The fact is that what the Hon. Mr Lucas did in October was put questions to the Minister of Health; he reiterated that those questions were to the Minister of Health on 10 April; but when that did not seem to be getting him anywhere he transferred, in other words, he distorted what the *Hansard* records and said that the questions were put to the Attorney-General. That was a change of tune. It was a distortion of what had actually occurred in the Parliament.

On the basis of that evidence, the honourable member decided that somehow other Ministers were involved in some kind of cover-up over this issue. That did not occur, and the honourable member in this matter used a distorted interpretation of what occurred in the Parliament. He also distorted in his debate on the urgency motion that was moved earlier the answers that were given by the Minister of Health and by me. It was clear that a distinction had been drawn between the survey results that were tabled and the questionnaire. I made that quite clear in reply to a question—I think the first question that I was asked about this matter. Yet the honourable member continued to try to confuse and to draw a distorted view of the answer that I had given to that question.

The other attack related to so-called political questions. The honourable member accused the Hon. Dr Cornwall of misleading the Parliament regarding whether political questions were contained in the survey. The fact is that the survey that was tabled by the Minister of Health in December clearly indicated that there were some political questions relating to people's attitudes to drugs.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: How can the honourable member deny something that has already been tabled?

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: That is not what the Hon. Mr Lucas referred to. The gravamen of the basis of the argument on the urgency motion previously was that the Minister of Health had denied that there were political questions, and the evidence for that, according to the Hon. Mr Lucas, was the survey that the Minister of Health tabled. That really was a quite nonsensical argument.

So, in three areas the Hon. Mr Lucas has been less than straightforward. This has occurred in the honourable member's development of this issue; in his interpretation and in his recitation of questions asked by him in the Parliament of me during the Budget debate; and in making allegations and continuing to consider that there was confusion between survey and questionnaire when that matter had been cleared up very early in the piece. Indeed, the honourable member has continued to be less than straightforward, and indeed quite guilty of some sophistry, in arguing that somehow or other the Minister of Health had misled the Parliament about political intentions in the survey when in fact the survey indicated that certain questions of that nature had been answered.

In conclusion, in considering this important motion it behoves every honourable member to look at the whole issue in context.

The Hon. L.H. Davis: Not to mention the truth!

The Hon. C.J. SUMNER: Well, to look at that, too.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It behoves every member to look at the performance of the Minister of Health in context, and the work he has done for the Government and the people of South Australia over the past 18 months, and to seriously consider his significant record of achievement which I have indicated to the Council and which is to the Minister's credit. Considering all those factors, I think that the Council should not support the motion that has been moved by the Hon. Martin Cameron.

The Hon. J.C. BURDETT: I support the motion. The speech of the Attorney-General was largely an exercise in confession and avoidance. He seemed to be saying that, if the Minister of Health has been performing well, it does not matter whether he has misled the Council. Of course, there is nothing about incompetence in this motion: the only question is that of misleading the Council. The Attorney referred to the survey being tabled. The survey was not tabled. Only selected parts of it were tabled: only 15 out of 26 questions were tabled. The rest was not tabled. The whole survey was never tabled.

Clearly, the Minister of Health has either misled the Council or been quite incompetent in not knowing, at least in general terms, the kinds of questions asked in a survey that he commissioned. If the survey was worth commissioning—and I believe it was—the Minister should have informed himself of its terms and outcome. He should have either read the questions and the report at the end of it, or had a report made to him on matters which should have been brought to his notice by his personal assistants.

The Minister has certainly misled the Council. The only question is whether that was deliberate or merely negligent. I have no doubt that it was deliberate. The Minister suggested that the question concerning his own personal approval rating was the only question which was latched on. I cannot believe that, even if the Minister had not seen the questions or replies before the Hon. Robert Lucas asked his first question, he did not immediately thereafter inform himself of the issue by looking at the questions and answers. Of course, the Minister would. When the matter was first drawn to his notice by the Hon. Robert Lucas, the Minister would have been worried about it, and the first thing he would have done would be to go back and look at the survey and questions. The Health Commission commissioned the survey and of course it has copies of the questions and answers. Indeed, the Minister should have informed himself of the questions after the Leader of the Opposition asked his question on 9 August.

If the Minister had any common sense then after the Hon. Mr Lucas started his series of questions, he would have come clean to the Council—but not this Minister. He is always right—he is infallable. The Minister would seek, and indeed did seek, to tough it out. He would not tell the truth. If he had, he would probably have got away with it. However, the Minister would not tell the truth. He certainly did not tell the whole truth. There were 26 questions, 11 of which were political. One of those questions was eventually acknowledged. At the best, the Minister told only twenty-seven thirty-sevenths of the truth, which is not a very good record. This Minister has been the most confrontationist and unfortunate Minister of Health that I have ever known, in my memory. He has misled this Council.

The Opposition claims that the question is really whether or not the Minister misled the Council—either he did or did not. There is no in between. I suggest that the question is perfectly clear. There were Party-political questions—I suppose that all questions of a survey of this nature are, in a sense, political, as the Attorney referred to—about which the Minister of Health did not come clean when asked on three or four occasions. The ultimate question is simply whether or not the Minister misled the Council. Either he did nor did not. There is no half-way house.

If the Minister did mislead the Council, in my view, there is only one traditional way of dealing with the matter, and that is to pass a motion of no confidence. It is not a matter merely for censure or for anything else: it is a matter for a

motion of no confidence if the Minister did mislead the Council. I submit that he clearly did. If members believe that he did not mislead the Council, they may come to a different conclusion. But, there is only one traditional remedy in the case of a Minister misleading the Council, and that is the only issue in this motion, which I support.

The Hon. K.L. MILNE: I am quite sure (and am sorry to say it) that the Minister of Health has made a series of mistakes which, added together, have led to this unfortunate situation. It would have been much better and wiser, in my opinion, for the Minister to face the fact in the beginning, admit to having made a mistake, albeit being led into it by ANOP, and apologise to the Council. Then it would have been over and done with. I make it clear that the Hon. Dr Cornwall's ability as Minister of Health is not in question: it is his behaviour and attitude to the Parliament that I believe are at fault.

There are 10 or more questions in the questionnaire under discussion which are unquestionably Party political. I have a copy of them, and the Hon. Martin Cameron read them to the Council. These questions cover a significant area of political information. This would be inexcusable, even if the answers had been disclosed to the public, but they were not shared with us. In fact, it was denied that they existed, except that after a time questions 12, 13 *(a)* and 13 *(b)* were admitted to. That is a great pity, particularly as the survey was conducted at public expense.

It has been suggested that political questions of this kind are quite usual as it helps the person being interviewed to feel at ease. With respect, I suggest that political questions make people uneasy and that in this case it would have had the reverse effect. The company conducting the poll would and should know this perfectly well. The questions can be categorised. Question 1 *(a)* sought the approval of the Government by the public; question 1 *(b)* sought the extent of approval of the Premier, the Hon. Mr Bannon; and question 1 *(c)* sought the approval rating of the Leader of the Opposition, Mr John Olsen.

Questions 2, 3, 4 and 5 sought voting intentions and tendencies. Question 6 was probing significant issues in which people are interested. Questions 7 and 8 sought specific likes and dislikes regarding the Government's actions, while questions 12 and 13 measured the recognition and approval of the Minister of Health himself. There can only be one reason for those questions being included, namely, to inform the Government on a lot of information which it needed to stay in office. The fact that those questions were not disclosed proves that. The Minister of Health gave his consent for a question relating to his personal rating. He said that, and, in fact, he gave permission for all the other questions, as set out in the letter which was dated 11 August from ANOP to him and which was recently tabled.

That letter was written after a discussion between ANOP and the Minister. So, everything in this letter presumably had been discussed with the Minister and, of course, he has never denied it. It seems that, even if the Minister had been ignorant of the first 10 questions of the survey, dealing as they did with political matters, he was substantially at fault in Ministerial responsibility, had he not immediately asked to see a copy of the questionnaire as soon as it became the subject of close questioning in Parliament. That is the first thing that he should have done and, in fact, probably did so. If he saw the full questionnaire when it was commissioned, the Minister should have revealed the details to Parliament if there was nothing to hide. If the Minister did not insist on seeing the full questionnaire when it was commissioned, that is an unacceptable lapse of Ministerial responsibility, and the Minister deserves censure for it.

As I said earlier, if the Minister saw the full questionnaire and consequently hid some of it, under those circumstances, he deserves censure. I am afraid that Dr Cornwall cannot escape censure for one or the other. It seems that there has been a disturbing misuse of a Government survey for political ends. The suspicion falls unavoidably on the Labor Party itself and, to some extent, on the Government as well as the Minister for carrying out a secret operation and then covering it up. That is a quite unacceptable practice in South Australia and for this Parliament.

So much has been said about all this that it is difficult to be clear what it is really about. The Hon. Mr Burdett has crystallised the argument: the Minister either did or did not mislead this Parliament. After all, why were political questions included in a drug-related poll? Why were they included at all, because the information that has been given to this Council is that those sorts of questions have never been included in non-political polls before? We are given to understand that they would not do any good to help the interviewers with the interviewees.

The Hon. R.C. DeGaris: You would like to know how the Democrats are going, too, wouldn't you?

The Hon. K.L. MILNE: No. The honourable member would. Why were all these answers not made public? Why on earth were we not told the results of all the survey, because it may have been just as interesting to the Liberal Party and, in fact, to everybody? Who was shown the 13 or so political questions? They must be summarised somewhere and some use must be made of them by ANOP. Who has got them? Who is making use of them, or who made use of them, as they are now getting a bit old? I cannot believe that nobody saw them, and I think that we should all see them. Did Cabinet see them and, if so, when? Will the results be made available to us now? That is a question that we have not had answered. Will the results of the political questions in that survey be made available to this Parliament? They still have not been made available. If that question had been cleared up, it would have been wise on the Minister's part.

The Hon. J.R. Cornwall: Are you suggesting that I've got them in my pocket?

The Hon. K.L. MILNE: I am suggesting that the Minister has them somewhere. I am fearful that, if this matter is allowed to continue, innocent people may be dragged into it, and I am sure the Minister would not intend that to happen. We have been asked to take this matter very seriously and to look at it in the full context. I believe that I am doing so.

It will be a conscience issue with the Australian Democrats, as is our usual policy and as we are entitled to do with all our voting. In this case, I hope that it is a conscience issue for the whole Council. This matter should not be dealt with on Party lines. I have seen and read the letter dated 11 August 1983 from Mr Rodney Cameron of ANOP to Dr John Cornwall. It does not, in my opinion, make the situation better for Dr Cornwall. I expect that it was tabled to try to put the matter into perspective, but it confirms that the Minister has been less than frank with this Parliament. He knew as far back as 11 August 1983 that political questions or voting intention questions would be asked, because that letter was written after a discussion that he had had with ANOP, which suggested that such questions be included. The Minister should have been quite open and clear from the start, but he was not. That is a great pity. It is not a question of dignity of a person, a Minister, a political Party or a Government. It is a matter of the protection of the respect for the Parliament and the members of it. My decision will be made for that reason alone. I support the motion.

The Hon. M.B. CAMERON (Leader of the Opposition): It is not my intention to speak at any length in summing up this matter. However, some matters need at least to be referred to. First, I can only say after the contribution by the Attorney-General that he would make a good defence lawyer in a hopeless case, because at least he tried. At no stage did he attempt to really discuss the issues in the question, namely, whether or not this Council had been misled. If he did, they were lightly touched on when compared with the other areas. The motion is not directed at the competence or the incompetence of Dr Cornwall. However, that was the major part of the Attorney-General's contribution, and I accept that that was the best that he could do with the material that he had at hand.

As I said, after that I would say that he would make a good defence lawyer in a hopeless case, because it was hopeless and I feel for the Attorney in that matter. The letter tabled by the Hon. Dr Cornwall, and I understand by the Premier in another place today, did nothing, as the Hon. Mr Milne has said, to clear up this matter. In fact, what it did was confirm that taxpayers' funds had been used for a Party-political survey. Page 3 of that letter says:

No. 6. Government Performance—

Even the paragraph heading is sufficient in itself—

Assessment of Government performance in drug areas and other areas for comparative purposes.

That sentence is very cleverly constructed. If one looks through the survey—and it is widely available now—one will find that every question relating to the Government that is detailed there can be fitted into this sentence.

The next one is 'Minister's and Premier's profile: performance appraisal and reasons'. That is a straight-out statement, within the documentation where the price is put on the survey, of the question that the Hon. Dr Cornwall called a 'piggy-back question'. He has claimed in this Council that it cost the Government nothing for that additional question. That was misleading in itself, and he has provided the material that has proved it. It is proved there by the fact that it was included in the terms of reference for the survey.

At the finish of that whole thing the cost was given by Rodney Cameron as $32 000. The Minister has said that we have 'cunningly contrived to trap John Cornwall'. That is absolute nonsense; we have not at all. If anyone has trapped the Minister it is he himself, because there is one thing in this world that I am sure that everybody has found: if one does not tell the truth, one has to have a very good memory. In this case, his memory has had some lapses because he has not told the truth right through this matter. There have been too many areas in which there have been obvious discrepancies.

The Attorney-General has attempted to defend him. I am sorry that he felt that he had to do that, because in this case the Minister himself should have done the defending. I understand that the Premier has now indicated in the Lower House that he has issued strict guidelines to Ministers for the conduct of future market research. That shows quite clearly that not even his own Leader accepts that the Minister has been straightforward in this matter and has conducted himself in a proper manner. That is a direct refutation of what the Minister has done. I urge members to support this motion.

The Council divided on the motion:

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.S. Feleppa, Anne Levy, C.J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. Diana Laidlaw. No—The Hon. C.W. Creedon.

Majority of 3 for the Ayes.

Motion thus carried.

DENTISTS BILL

(Continued from 18 April. Page 3726.)

In Committee.

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

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

Page 2, lines 31 and 32—Leave out these lines and insert: 'to a jaw—

(a) in which there are no natural teeth or parts of natural teeth; and

(b) where the jaw, gums and proximate tissue are not abnormal, diseased or suffering from a surgical or other wound'.

This is part of the definition of 'clinical technical dentistry', which is defined in the Bill as follows:

. . . means the fitting of, and the taking of impressions or measurements for the purpose of fitting, dentures to a jaw in which there are no natural teeth or parts of natural teeth.

This definition will relate to dental technicians who, in accordance with the report of a Select Committee of this Council, are very properly permitted, under certain conditions, to deal directly with the public and to fit dentures. The purpose of the definition is to ensure that they can do this only where there are no natural teeth or parts of natural teeth present and also where the jaw, gums and proximate tissue are not abnormal, diseased or suffering from a surgical or other wound.

If the matters that I have just mentioned do pertain if the jaw is diseased, etc.—obviously it should be necessary by Statute for a qualified dentist or professional person to carry out necessary procedures. It should not be possible for dental technicians to carry out such procedures, or to deal directly with the public in such cases, without going through an intermediary such as a professional dental person to fit the dentures.

There is no question now, after the Select Committee hearing, that where full upper and lower dentures are involved, and where there are no complications, the dental technician should be able to deal directly with the public if he is qualified in the terms of the Bill. I have no argument with that. But, it would be wrong, and not in the interests of the patient (and this is a matter of patient care), if a technician was able to fit dentures without the intervention of a professional dentist if the jaws, gums and proximate tissue were abnormal, diseased or suffering from a surgical or other wound.

The Hon. J.R. CORNWALL: The Government opposes this amendment, which it cannot accept at all. There was a Select Committee set up specifically to investigate clinical dental technicians and where they ought to fit into the scheme of things. That committee, which comprised two members of the Liberal Party, one member of the Democrats and three members of the Labor Party, reported unanimously. I am aware that certain members of the profession have subsequently had a bit of a sneaky go to undermine the recommendations of that Select Committee, but I am dumbfounded (although one should not be dumbfounded after the events of today involving the Democrats in particular) to see the Hon. Mr Burdett now attempting to renege on the findings of that Select Committee.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, I. Gilfillan, K.T. Griffin, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Noes (7)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.S. Feleppa, Anne Levy, and Barbara Wiese.

Pairs—Ayes—The Hons C.M. Hill and Diana Laidlaw. Noes—The Hons C.W. Creedon and C.J. Sumner.

Majority of 3 for the Ayes.

Amendment thus carried.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (1984)

Second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

It provides for the extension of those provisions of the Road Traffic Act, 1961, dealing with random breath testing to the end of 1984. As all members will be aware, a Select Committee of the Upper House is currently reviewing the operation of random breath testing in South Australia. However, the Committee is not expected to submit its report prior to Parliament's rising in May of this year. Unfortunately, the provisions of the Act dealing with random breath testing are due to expire on 18 June 1984. It is therefore proposed to extend the operation of those provisions to the end of the year so as to preserve the present situation until Parliament has had a proper opportunity to debate the issue of random breath testing.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 provides two amendments to section 47da of the principal Act. The amendment effected by paragraph *(a)* ensures that the Commissioner of Police will prepare a report for the Minister upon the operation of the section to the date of the expiration of the relevant provisions. Paragraph *(b)* will extend the date of expiration of the section to the end of 1984.

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

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

The Commonwealth Government is a signatory to the 1972 International Convention on the Dumping of Wastes at Sea (London Dumping Convention). This convention prohibits the deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other manmade structures and any deliberate disposal at sea of vessels, aircraft, etc., except in accordance with the convention provisions. In 1981, the Commonwealth legislated to give effect to this convention in Australia, passing the Environmental Protection (Sea Dumping) Act 1981. There is power in this Act for the Commonwealth Minister to declare that the Act does not apply in relation to coastal waters of the State, provided that the Minister is satisfied that the laws of the State make provision for giving effect to the convention in relation to its coastal waters.

The Commonwealth is currently finalising arrangements for proclamation of this legislation. South Australia will be bound by the Commonwealth legislation unless it introduces appropriate complementary legislation. A failure by the State to act would have a number of repercussions in areas traditionally under the control of the State Minister of Marine. It is therefore both appropriate and desirable that the State should introduce legislation to accord with its traditional roles in the areas with which this Bill is concerned.

Accordingly, this Bill gives effect to the London Dumping Convention provisions and is complementary in operation to the Commonwealth legislation. It takes full account of international, national and State interests. The Bill will enable South Australia to formalise and strengthen the existing voluntary arrangements dealing with dumping by the establishment of regulatory machinery which will:

Prohibit the dumping of wastes or other matter listed in annex I to the convention, which includes organohalogen, mercury and cadmium compounds, plastics, hydrocarbons and high level radioactive wastes;

Regulate through the prior issuing of a special permit the dumping of wastes or other matters listed in annex II to the convention which includes bulky objects, wastes containing significant amounts of heavy metal and low level radioactive material;

Regulate the dumping of all other wastes or matter through the prior issuing of a general permit;

Ensure formal consideration of all factors listed in annex III to the convention concerning criteria governing the issue of permits;

Ensure the condition of the sea for the purposes of the convention is properly monitored;

Regulate incineration and discharges arising from incineration at sea.

The regulatory machinery provided by this Bill will apply to all vessels, aircraft or platforms operating in or over South Australian waters, both coastal and inland.

The Bill does not apply to the operational discharge of wastes from vessels, aircraft or platforms, which is covered by the Prevention of Pollution of Waters by Oil Act, 1961. The enactment of this Bill will ensure that a traditional area of South Australian Government responsibility will be preserved. 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 for the commencement of the measure. Clause 3 is the definition section. Included in this clause is a definition of 'coastal waters', which are proposed to be the waters to which the Act will apply. This section also refers to the relevant Convention and makes provision for the inclusion of future amendments that are accepted by Australia and then set out in South Australian regulations. Subclause (2) provides that an expression that is used in the Bill and in the Convention is to have the same meaning in the Bill as it has in the Convention. Matters defined by the Convention include 'aircraft', 'vessel' and 'dumping'.

Clause 4 provides exemptions in relation to the disposal of wastes arising from the exploration of seabed mineral resources (an exception provided by the Convention), and provides exemptions in relation to military craft. Clause 5 relates to the application of the Bill to the Crown. The clause ensures that the State is not liable for prosecution, but a person in charge of a vessel, aircraft or platform belonging to the State may be subject to prosecution under the Act.

Clause 6 makes it an offence to dump any wastes or other matter into coastal waters, otherwise than in accordance with a permit. Clause 7 makes it an offence for any vessel, aircraft or platform to be dumped into coastal waters, otherwise than in accordance with a permit. Clause 8 makes it an offence to load any wastes or other matter on any vessel or aircraft in the State or in coastal waters, or on any platform, for the purposes of dumping, otherwise than in accordance with a permit.

Clause 9 provides defences for the proposed offences under the preceding three clauses. These defences are that the dumping was necessary to secure the safety of life, or the craft, due to stress of weather, or that the dumping was the only reasonable way of averting a threat to the safety of human life, or the craft, and it was probable that the damage caused by the dumping would be less than would otherwise occur. A report must be furnished to the Minister in all such cases. Clause 10 provides the penalties for offences under the preceding clauses of the Division. The range of penalty depends on the classification of the substance or waste that was dumped or loaded, and whether the offender is a natural person or a company.

Clause 11 relates to incineration at sea. It is proposed that the incineration at sea of most 'Annex I' substances be absolutely prohibited. The incineration at sea of other substances may only occur under a permit. Penalties again depend on the classification of the substance or waste incinerated, and vary between natural persons and companies. Clause 12 empowers the Minister to take such steps as he considers appropriate to repair or remedy any condition, or to mitigate any damage, arising from dumping into coastal waters.

Clause 13 provides that where a person is convicted of an offence for dumping, and the State has incurred expense in acting to remedy or mitigate resulting damage, the offender is liable for those expenses. Subclause (2) ensures that the State does not recover more than the expenses it incurred. Subclause (3) provides for the detention of a vessel or aircraft in the State or in coastal waters where the owner or master is liable under the proposed clause. It will be an offence to breach the detention.

Clause 14 sets out the procedures for applications for permits. Subclause (2) confirms that an application to dump Annex I substances cannot be entertained, and that the same situation exists in relation to the incineration of the majority of Annex I substances. In relation to other applications, the Minister is empowered to request further information and may direct that the applicant undertake certain research and analysis into the effect of the proposed dumping before an application is granted.

Clause 15 prescribes the procedures to be followed in granting permits. The Minister is specifically required to consider factors contained in the Convention. Subclause (7) provides that before granting a permit the Minister may require an applicant to undertake research and monitoring relating to the effects of dumping on the marine environment, and to investigate the possibility of avoiding the need for further dumping. The applicant may be required to reimburse the State for the cost of research and monitoring carried on by the State in relation to the proposed dumping.

Clause 16 provides for the suspension and revocation of permits. Clause 17 provides that the Minister may, when granting a permit, impose conditions in respect of the permit. Clause 18 provides special precautions for the dumping of radioactive matter (noting that radioactive matter under Annex I cannot be dumped on any account). Paragraph D of Annex II provides that in the issue of permits for dumping of radioactive matter the contracting parties will take full account of the recommendations of the Internationl Atomic Energy Agency. One recommendation is that the dumping of radioactive wastes should be supervised by escorting officers with appropriate powers of direction. Clause 18 gives effect to this.

Clause 19 provides that the holder of a permit may apply for the variation of conditions applying to a permit. Clause 20 provides for the appointment of inspectors. Members of the Police Force are, *ex officio*, inspectors also. Clause 21 provides for the issuing and use of identity cards. Clause 22 empowers an inspector to board any vessel, aircraft or platform and then, if necessary, stop or detain it. Clause 23 empowers inspectors, with the consent of the owner, or under warrant, to enter premises. Clause 24 sets out the functions of an inspector under the Bill.

Clause 25 sets out the powers of arrest of an inspector. Arrest may occur if a person hinders or assaults an inspector, fails to give truthfully his name and address, or might not attend court or not desist from committing another offence if not arrested. Clause 26 provides immunity for inspectors. A liability is instead to lie against the Crown. Clause 27 provides a right of appeal to the Supreme Court against a refusal to grant a permit. Clause 28 provides that the Attorney-General or an interested person may apply for an injunction restraining a person from acting in contravention of the dumping and incineration provisions of the Act. An interested person is defined to mean a person whose use or enjoyment of any part of the sea is likely to be affected adversely by the proposed contravention.

Clause 29 is a delegation power. Clause 30 makes it an offence for a person, in connection with a permit, to make false or misleading statements or present information that is false or misleading. Clause 31 makes it an offence for persons to fail to comply with conditions imposed in respect of permits. Clause 32 prescribes that offences under this Act are minor indictable offences.

Clause 33 provides for the production of certain evidence in proceedings for offences against the Act. Provision is also made to facilitate the proof of certain matters, such as the position at sea of a vessel, aircraft or platform. Clause 34 relates to the appointment of analysts under the Act. Certified reports from analysts may be accepted as *prima facie* evidence of the results of tests or examinations. Clause 35 provides for the imposition and payment of fees.

Clause 36 clarifies that this Act does not derogate from the provisions of the Prevention of Pollution of Waters by Oil Act, 1961. Clause 37 is a regulation-making power. The prescription of regulations may be effected by reference to the relevant Commonwealth regulations.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

FISHERIES ACT AMENDMENT BILL (1984)

Second reading.

The Hon. FRANK BLEVINS (Minister of Fisheries): I move:

That this Bill be now read a second time.

It effects an amendment to section 48 of the Fisheries Act, 1982. The proposed amendment is consequential to the implementation of the Environment Protection (Sea Dumping) Act, 1984. Section 48 provides protection of aquatic habitat by forbidding unauthorised operations that involve disturbing or interfering with that habitat, or involve discharging or depositing any matter into any waters. The amendment will provide that a person who has a permit under the Environment Protection (Sea Dumping) Act, 1984, is not also subject to the restrictions imposed by the Fisheries Act. Duplication in regulation will thus be avoided.

Clause 1 is the short title. Clause 2 provides for the commencement of the measure. Clause 3 amends section 48 of the principal Act to include reference to the Environment Protection (Sea Dumping) Act, 1984. The amendment avoids conflict between the Fisheries Act and the new 'Sea Dumping' Act.

The Hon K.T. GRIFFIN secured the adjournment of the debate.

CITRUS INDUSTRY ORGANISATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 17 April. Page 3645.)

The Hon. PETER DUNN: This short Bill is the result of an inquiry by a committee which investigated the industry in 1979. The committee came up with the two recommendations incorporated in the Bill, including changing the name from the Citrus Organisation Committee of South Australia to the Citrus Board of South Australia. That change will bring the organisation into line with other similar boards in this State: for example, the Barley Board, the Egg Board, the Milk Board, and the Wheat Board. They are all primary industry boards. The change implies that the Citrus Board will act in the same manner as the other boards that I have mentioned. The Citrus Organisation Committee is a little unwieldy. I see no reason why it should not be changed to the Citrus Board, as is envisaged.

The second part of this Bill is a little different. Section 36 will be amended to increase the number of growers required to hold a poll to determine the continuation of the Act from 100 to 200. The reasons for this are relatively simple. Because the industry is situated in a very tight area geographically (it is not very wide or very long), and, because it is attached to the Murray River, it is very simple to get a large number of growers to sign a petition. It is reasonable to assume that the industry believes that there is some instability in the fact that as few as 100 growers of a total of 1 600 could have the Act removed. The increase from 100 to 200 was recommended in the 1979 survey, and 200 is quite a reasonable number, considering that there are 1 600 citrus growers in this State. I have no qualms in supporting this Bill.

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

SEEDS ACT AMENDMENT BILL

Adjourned debate on second reading
(Continued from 18 April. Page 3724.)

The Hon. PETER DUNN: The Seeds Act was considerably revised in 1979. It was given a very good brush and clean up. However, section 7 (3) *(d)* is to be deleted. It refers to inert material being identified on the label of certified seed, inert material, as described in the Bill, being material which will not germinate or which contains dirt, sticks, stones, husks and other extraneous matter. I as a purchaser would like to know the total content of the seed in a parcel. If extraneous materials are not identified, we are not packaging and labelling correctly. However, I am informed that it is not a requirement in other States that companies that package and label seeds must describe on the label the inert material. Because many of our seed growers sell their product in other States they are at a disadvantage because purchasers are asking 'What is inert material?'

It is quite reasonable to bring our legislation into line with legislation in other States. In fact, inert material is a very small part of the package. A number of labels that I looked at on the weekend show that the content of inert material is as low as .01 per cent, and that is a very small amount indeed. This provision will not create a great problem: it will help. I have been told by a number of growers, producers and retailers that this measure will help in the sale of products interstate. I support the Bill after having surveyed a number of growers, producers and consumers.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Statement to be furnished in relation to sale of seeds.'

The Hon. I. GILFILLAN: I as a farmer have had an opportunity to consider some of the consequences of this Bill. The Minister should encourage his Ministerial colleagues in other States to follow South Australia's example. Once again, we have pioneered the way, and it seems to be a simple and reasonable requirement that growers are told how much rubbish, sometimes counter-productive rubbish, is contained in the material purchased.

So, I realise that it is probably not appropriate to clause 2, but feel that it is important that this reflection from the rural community of South Australia, which is supported by the Hon. Peter Dunn, is taken on board by the Minister. The Minister might like to comment on this during the Committee stage and say whether or not he will push his interstate colleagues to accept our standards, rather than our slipping back to their mediocre standards.

The Hon. FRANK BLEVINS: I have noted the honourable member's remarks and will give them consideration and get back to him. What he says is basically correct. We should be equalising upwards rather than downwards wherever it is practical to do so. At the moment we have a situation which is disadvantageous to this State's seedgrowers. If we wait until other States follow the splendid example set by South Australia, our seedgrowers will be severely disadvantaged for a number of years and I would not like that to happen. I will have discussions with my interstate colleagues and point out to them that there is some disquiet concerning the labelling requirements for seeds in other States and would appreciate them lifting their game to our levels, rather than our having to adapt to their levels.

Clause passed.

Title passed.

Bill read a third time and passed.

EGG INDUSTRY STABILIZATION ACT AMEMDMENT BILL

Adjourned debate on second reading.
(Continued from 17 April. Page 3644.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Hon. Mr Dunn said during debate on the previous Bill that he supported with pleasure the second reading. Well, the Opposition intends to support the second reading of this Bill, but not with much pleasure, because the situation in the egg industry of this State and all over Australia needs to be carefully looked at. In this State we now have the highest egg prices in Australia. I think that one place, namely, the Northern Territory is higher, but one can understand that. In Sydney the price for a dozen eggs is $1.55, the Melbourne price is $1.81, the Brisbane price is $1.58, the Adelaide price is $1.86, the price in Perth is $1.55, the Hobart price is $1.83, the Canberra price is $1.62 and the price in Darwin is $2.13, which I can understand. Darwin

has a problem in that it has no decent rail system to transport eggs.

Hens in this State have suddenly been taught to lay a few weeks earlier and because of that egg prices have risen. I find that difficult to understand. One would have thought that if there was a surplus of eggs the price would go down. Why does that not happen? It happens because any surplus eggs from this State are automatically sold at a loss interstate for export, either in the shell or in pulp. That loss is transferred not back to the industry but to the consumer.

In 1981 the Auditor-General raised this question and said that the cost of subsidy to the consumer for the loss on sale of surplus eggs was 12c a dozen. Now, the Minister says that this Bill will save 8c to 10c a dozen because we will not be producing so many eggs and will not therefore have such a surplus. That will not cover the situation as it was in 1981. I have no doubt that the loss is higher now due to increased production.

It is ridiculous, in my opinion, to have a marketing system where, rather than supplying the product at a reasonable price to the consumers so that they will buy more, eggs are sold at a loss and that that loss is transferred through increased prices to the consumer. That is a harmful marketing system for the inflation rate, housewives and people who would like to eat more of this excellent product.

The other thing that concerns me is that we are slowly but surely developing into a semi-monopoly situation. If one looks at figures from 1975 to 1979, one finds that the number of people who ran one hen to 500 hens (the low range) has fallen from 1 259 growers to 707 growers and that the people who produced 20 000 and over have almost doubled in number; the figure is almost irrelevant —six to 10. It is obvious that the surplus has been mopped up by large growers. We are quickly reaching the stage where the numbers of people who are smaller growers are decreasing at an extremely rapid rate and the number of larger growers is increasing at the same rate. Therefore, we will end up with the Government and people of this State protecting a monopoly and a situation that I believe is unacceptable. An independent committee of inquiry into egg marketing in Victoria in 1981 found:

> That egg production was a closed industry with high profitability and surplus production subsidised by the consumer and that the Egg Board dominated by producers were reluctant to reduce prices to reduce surpluses.

That is the situation here, too. We should be addressing this situation rather than trying to reduce the price by curtailing production. I would be more interested in allowing the market forces to operate a little, and they are certainly not operating in this industry at the moment because there is an automatic sale of surplus eggs for export. Losses in 1981 for the sale of eggs to New South Wales for export processing at 26c a dozen amounted to $804 000.

There is some difference between that and what the consumer actually pays. So, I believe that, while this Bill is perhaps a short term palliative in decreasing the losses being taken up by the consumer, it is not in the final analysis the way in which to solve this problem. Unless the price of eggs in this State drops to a reasonable level, at some time in the near future this whole question must be addressed in a proper manner so that the consumers of the State receive some attention from the Egg Marketing Board.

The Hon. PETER DUNN: I wish to make a couple of comments about the reason for this happening. It is an indication to me of the efficiency that is pervading the rural industry in this State. We have people breeding these animals which will now produce eggs between 15 to 20 days earlier than they did some years ago. That is happening right across the board, and we see these sorts of improvements in ability to produce more and more from less and less in almost every section of the industry. That is to the credit of perhaps our Department of Agriculture and of the researchers in this State. It is a worldwide trend, and the chook industry has been the benefactor of some American and overseas progress made in genetics.

The Hon. Anne Levy: Hear, hear!

The Hon. PETER DUNN: I have touched a tender spot for the Hon. Ms Levy, who is a genetist in her own right. I believe that the world will take note of the genetic improvements and genetic engineering going on throughout the world so that it may in the future have a much bigger bearing on our life style than it has had to date.

Another factor to be taken into account is, as the Hon. Martin Cameron said, that we have contracted this industry to a few very big producers. You, Mr President, may recall that many years ago people, particularly in my area, paid their grocery bills by milking a few cows and selling the cream or by running a few chooks and selling the eggs to, in my case, the Port Lincoln Produce Works. That situation no longer exists. Each farm runs a few chooks for its own home consumption but, because of the hen levies applied to producers of a great number of chooks, there is now a price on the head of each chook and they are keenly sought. I am not sure that is a good idea because we have now got to the stage where a few people are controlling a large industry. I have those worries about the industry. However, I support the Bill because, as indicated, it is hoped that it will control egg prices in this State.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank the Hons. Martin Cameron and Peter Dunn for their expressions of support, albeit somewhat muted. I can argue very little with anything that was said by the Leader of the Opposition and the Hon. Mr Dunn. However, I point out that the whole question of the egg industry is, at the moment, under intense scrutiny and has been subjected to a very vigorous debate. As honourable members would recall, last year the Bureau of Agricultural Economics brought out a report on the egg industry which was, to say the least, extremely critical. In fact it was suggested that, because of the restricted way in which the industry was structured, eggs were overpriced to the tune of about 40c a dozen. The industry has contested that figure put out by the BAE, and I know that at the end of July, at the next Australian Agricultural Council meeting, this matter will be high on the agenda, because the disquiet expressed by the Leader of the Opposition and the Hon. Mr Dunn is felt throughout Australia at Government levels, at the various Agriculture Department levels and in some sections of the industry. I assure the two honourable members who have spoken that the problems that they have outlined are being addressed and that hopefully by the end of July we will have some resolution to the intense and rigorous debate that has occurred over the last two months since the BAE reported.

This is a small step to assist consumers to buy cheaper eggs. As the Hon. Mr Dunn pointed out, hens are becoming more precocious. They are delivering the goods about four weeks earlier and, by levying growers on hens at an earlier age, we are in effect putting into place across the board a cut in quotas of about 10 per cent. This will result in the surplus being much lower. It will then mean that the surplus, which is sold at very low prices, is reflected in the prices paid by ordinary dosmestic consumers in Australia to their disadvantage. Whilst I do not claim that this legislation is the answer to the problems that are perceived to exist in the egg industry, it is a measure that will assist consumers and, as such, I thank the Opposition for its expression of support. I appreciate the support on that basis only.

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

[Sitting suspended from 5.56 to 7.45 p.m.]

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 April. Page 3466.)

The Hon. K.T. GRIFFIN: This Bill seeks to do two things: first, to implement the recommendations of the Law Reform Committee in its 70th Report in relation to *locus standi* and prisoners' rights and, secondly, to deal with the recommendation in the Fourth Report of the Mitchell Inquiry into Criminal Law and Penal Methods Reform. For the purposes of enabling some amendments to be moved in Committee the Opposition will support the second reading. There is no difficulty from the Opposition's point of view with the implementation of the recommendations of the Law Reform Committee in respect of prisoners' rights. Those rights that are to be affected by part of the Bill and by the implementation of the Law Reform Committee's recommendations relate to the capacity to enter into contracts, to hold property and to act as trustee.

The present position with any prisoner is that any dealing with property or contractual matter is normally dealt with under the Criminal Law Consolidation Act, Part X, by the appointment by the Governor of a curator of convict's estates. My recollection of these appointments is that the Government of the day recommends to the Governor in Council the appointment of either the Public Trustee or, more commonly, a person who is either the lawyer for the prisoner or a friend or relative. Those persons then act as curator of convict's estates in dealing with the property of the prisoner, entering into contracts or acting as trustee.

There are occasions when the Opposition will not support the extension of prisoners' rights, but this is not one of those occasions. There are many other instances where we believe that the extension of prisoners' rights is contrary to the purpose for which persons are sentenced to imprisonment: namely, to provide a period of punishment and of detention, to enable rehabilitation and to act as a deterrent. In those sorts of circumstances, any extension of prisoners' rights which compromise those emphases will not be supported by the Opposition, but in this instance there is no objection to prisoners remaining capable of exercising their rights in respect of ownership of property, dealing with their property—whether real or personal—entering into contracts, or acting as trustee. As the second reading explanation has indicated, there are other mechanisms for replacing a trustee who may be a prisoner and who is not exercising responsibly and reasonably the powers of trustee. To that extent we support the implementation of the recommendations of the Law Reform Committee.

The other part of the Bill seeks to repeal section 296 of the Criminal Law Consolidation Act, on the basis that the Mitchell Committee recommended the repeal of that section. With respect, the Mitchell Committee does not recommend that, but it recommends the abolition of the distinction between felonies and misdemeanours. That is a principle that we would support; in fact, in Government we were taking steps and did enact certain legislation that had that effect. So, the abolition of the distinction between felonies and misdemeanours that is recommended by the Mitchell Committee is something that we support. But, the repeal of section 296 in its entirety is not something that we would support and is not something that is recommended by the Mitchell Committee. I shall read that part of the Mitchell Committee's report that relates to section 296. Paragraph 1.1.6 on page 386 of the Fourth Report reads:

> Disqualification upon Conviction of Felony. Traditionally a conviction of felony has carried with it certain disqualifications from office. One such disqualification is prescribed by section 296 of the Criminal Law Consolidation Act, 1935-1976, under which a person convicted of felony and sentenced to imprisonment with hard labour for a term exceeding 12 months loses any office which he may hold under the Crown or any public employment, and any superannuation payable out of a public fund. This disqualification does not follow a conviction of misdemeanour followed by a similar term of imprisonment. We see no justification for the discrimination, but we point out that, if the distinction between felonies and misdemeanours is to be abolished, an examination of the Statutes to discover any references to the consequences of conviction of felony only and consequential amendments will be necessary.

That paragraph supports the removal of the distinction between felony and misdemeanour, the undertaking of a review of the Statutes to discover any references to the consequences of conviction of felony only, and then the considering of any consequential amendments that may be necessary by virtue of the abolition of the distinction between felonies and misdemeanours.

There is certainly no evidence in the second reading explanation that the Government has undertaken any review of legislation to determine the consequences of the conviction of felony only, and there is certainly no indication as to what may be the adverse consequences of repealing section 296 of the Criminal Law Consolidation Act without having undertaken that review.

What I will propose during the Committee stages of this Bill is that section 296 of the Criminal law Consolidation Act be amended to remove the distinction between felony and misdemeanour so that any disqualification will apply equally to a conviction for felony or misdemeanour—that is, the conviction for any offence where a term of imprisonment exceeding 12 months is imposed. Also, upon that event any such convicted person will be disqualified from holding any civil office under the Crown, or other public employment. I will also seek to deal with the question of superannuation allowance where it is payable by the public or out of any public fund, but only to the extent that any such superannuation is funded publicly and not out of a member's own contribution.

The Hon. C.J. Sumner: Are you saying that someone who has worked for 25 years in the Public Service, who is convicted for something and gets more than 12 months imprisonment will lose all his superannuation?

The Hon. K.T. GRIFFIN: No, I am not saying that. I am saying that he will lose all the public contribution, which is better than the present section 296 provision. It certainly does not go as far as the Government proposes, but if the Government has any information that will assist the Council in its consideration of this matter then I am certainly prepared to give further consideration to it. However, it seems to me that the Government, by moving for the total repeal of section 296 without having apparently conducted any review of any legislation upon which it may impinge, is putting prisoners in a position that is very much better than the present position that applies and may well not be justified. If the Attorney-General has some further information or evidence about this matter then I am certainly prepared to consider it.

I turn now to the matter of public office. In some Acts of Parliament there is a provision that upon conviction for felony a person shall not be eligible to hold a particular office. There is that provision in the Constitution Act, where a member who is convicted of a felony ceases to hold office. It may be that in the Constitution Act we ought to be moving to eliminate the distinction between felony and

misdemeanour and providing that a member who is convicted of an offence for which a period of imprisonment is imposed automatically forfeits his or her seat. However, what that provision of the Constitution Act highlights is that there is reference only to the consequence of a conviction for felony. I have not had an opportunity or the time to look at other legislation that may deal with the holding of public office.

However, with 396 statutory authorities, committees or boards I suggest with a certain degree of confidence that there is no provision in certainly a large number of the Statutes establishing those authorities, boards or committees providing for the loss of that office under the Crown in consequence of a conviction and a following sentence of imprisonment. What the Government's proposal will mean is that unless there is a specific provision in the Statutes that establishes those authorities, boards or committees any person who is convicted of an offence and sentenced to any period of imprisonment, whether 12 months or more, or not, may continue to hold that office. It may be that in some instances there is provision for that, but if there is no provision the blanket removal of section 296 will dramatically affect what has been the well recognised and established principle that persons convicted of offences and sentenced to imprisonment are not eligible to hold public office.

If the Attorney-General intends to make that dramatic change in the law, then I would like him to confirm that. However, as I have indicated, if that is intended I will certainly be moving an amendment to try to bring back the position to something that is closer to the present position, which I believe is a reasonable position. I will circulate an amendment in relation to this matter, but I am open to persuasion in relation to superannuation. I do not hold to a positive and unswerving view but, on the face of it, what I am proposing is certainly more reasonable than the present provision of the Act and takes into account that a person in public employment is in something of a preferred position.

I suppose, also, that there are other instances where persons who may benefit from a public fund, if there is no specific provision in the Statute relating to forfeiture, will hereafter be able to receive the benefit of superannuation or other payment out of the public fund notwithstanding conviction and sentence to imprisonment. That, to me, seems to be basically wrong, that public funds ought to be able to be applied to the benefit of a person convicted of an offence, whether felony or misdemeanour, and that the right to be paid from the public purse in one way or another should continue. That is the issue I am focusing on. I am not criticising the Attorney-General for doing this. I am just seeking further information and indicating that if the point of view expressed in the second reading explanation is something to which he adheres then I will be opposing it strenuously and moving amendments.

My one other comment about the second reading explanation of the Attorney-General is that there is a reference to article 10 of the Universal Declaration of Human Rights and an attempt to rely upon article 10 as the basis for the repeal of part 10 and for, I suspect, the repeal of section 296. I indicate to the Council that article 10 does not mean anything that it is professed to mean in the Attorney's second reading explanation. What article 10 seeks to do is ensure that there is equal opportunity of access to the courts. That does not mean that if one goes through a third person such as a curator of convicts' estates that that is a breach of the Universal Declaration of Human Rights, because one does have that access to the courts.

If one is disqualified from holding office then that is not a breach of the Universal Declaration of Human Rights. The second reading explanation also refers to article 14 of the International Convenant on Civil and Political Rights, which provide that all persons shall be equal before the courts and tribunals. Also, the fact that there is a curator of convicts' estates does not prejudice that opportunity to appear before the courts and tribunals. It is directed towards access to the courts and a right to have issues affecting a person resolved by the courts after having had an opportunity to present a case fairly and reasonably.

It is, in any event, directed to regimes that are not democratic, ones where the courts are certainly not independent of the Executive or the Parliament (if there is a Parliament), and there is, in fact, a very severe detriment to the civil rights of the citizens in those sorts of countries. It is not directed to the normal and reasonable provisions that apply in our democratic system, whether it be in the civil courts or the criminal courts.

So I do not believe it is reasonable at all for reliance to be placed on the Universal Declaration of Human Rights as the basis for suggesting that this legislation is appropriate. Notwithstanding that, I and the Opposition support the implementation of the recommendations of the 70th Report of the Law Reform Committee of South Australia and we will seek to amend that part of the Bill that deals with section 296 of the Criminal Law Consolidation Act.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his contribution and support for at least part of the Bill. He has raised a number of questions relating particularly to the amendments to section 296 of the Criminal Law Consolidation Act. I would be concerned if it was felt that a person who has been convicted of a felony or misdemeanour and who received a term of imprisonment in excess of 12 months thereby automatically lost any superannuation to which he was entitled from the public purse. A person could be employed for 25 to 30 years in the Public Service and he could commit one error of whatever kind: if that person was imprisoned for, say, 15 months, and if the honourable member's suggestion was adopted, that person would receive only the superannuation payments that he had made, presumably with interest, but with no contribution from the public fund. In my view, that is a form of double jeopardy and is not justified. That is a preliminary comment on the matters raised by the honourable member. He has drawn attention to a number of other matters, and I will seek to report progress in Committee and I will respond more specifically. I understand that the honourable member will have amendments on file, and they can be considered, along with my response, in more detail later.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Arrangement of Act.'

The Hon. C.J. SUMNER: For the reasons I have stated, I suggest that progress be reported.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (OATHS AND AFFIRMATIONS) BILL

Adjourned debate on second reading.

(Continued from 11 April. Page 3467.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill. It reflects the proposals for reform in the 46th Report of the Law Reform Committee of South Australia, which was tendered in 1978. In essence, the Bill does two things: it deals with the form of oath to be used in the courts and other tribunals and brings together all of the various statutory provisions relating to such oaths, making some amendments;

and it also deals with the criminal offence of perjury. It is correct that the present law relating to the taking of oaths is somewhat restrictive and the amendment will, in fact, allow any person who objects to taking an oath to make an affirmation, which will have the same effect in law as the making of an oath prior to giving evidence.

The Bill also allows a person to take an oath either on the Bible, which contains either or both of the New Testament and the Old Testament, or in any other manner or form in which the person taking the oath declares to be binding on his conscience. That accommodates those people who may not be of the Christian faith but who nevertheless believe that an oath is an appropriate form to give in the witness box but where such an oath upon the Bible in his view would not be binding on his conscience. Notwithstanding my real preference for an oath to be taken on the complete Bible, I recognise that in our system there ought to be some accommodation for those people who wish to take an oath but who do not believe that such an oath on the Bible is binding on their conscience. I am also pleased to be able to support the provision that, where an objection to an oath is made, an affirmation will be available and will be equally binding.

The Bill also creates a general offence of making a false statement under oath or affirmation and it brings together in the Criminal Law Consolidation Act all matters relating to perjury. That really means that a person who makes a false statement under oath will be guilty of an offence with the maximum penalty of four years imprisonment and any person who incites, procures, induces, aids, or abets another to make a false statement will also be guilty of an offence of subordination of perjury and liable to the same maximum penalty of four years imprisonment.

It is interesting to note that the requirement for corroborative evidence is no longer to be persisted with. I believe that that is an important change to the law, because in the past it has been difficult to obtain convictions for perjury where one knows that false evidence has been given deliberately but where the necessary corroboration has not been available to maintain a conviction under the Criminal Law Consolidation Act. So, in both of those areas covered by the Bill, the changes in the law are supported by the Opposition, and therefore we support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. C.J. SUMNER: I wish to seek clarification on one point, so I believe that progress should be reported.

Progress reported; Committee to sit again.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 April. Page 3721.)

The Hon. K.T. GRIFFIN: This Bill seeks to do two things. It seeks to allow the Registrar of Probates to exercise certain jurisdiction powers and authorities of the Supreme Court where authorised by the Rules of the Supreme Court which, of course, are made by the judges of that court. It also seeks to allow a person appointed as administrator of the estate of a person incapable of acting for himself or herself (such appointment being made under the Mental Health Act) also to have power to act as the administrator of a deceased estate where, but for the patient's incapacity, that person would be entitled to take a grant of probate of the will of the deceased person or a grant of administration of the estate of that deceased person where there is no will or where an executor is not appointed by a will.

The Opposition has no difficulty with the provision of the Bill that seeks to allow the Registrar of Probates to exercise certain jurisdiction powers and authorities, although I notice in the second reading explanation that the Attorney indicated that this is required because of proposed changes to the rules of court recommended by the Law Reform Committee. I have no recollection of those proposals being made available publicly. They may have been made available and the report may not yet be published. Whatever the position, I ask the Attorney to make available the proposals of the Law Reform Committee which particularly relate to this issue.

In relation to the other part of the Bill, I have some difficulties, although the Opposition will support the second reading to enable further consideration to occur during the Committee stage. Regarding that part of the Bill that creates some difficulties, it is important to explain the basis on which a manager is appointed under the Aged and Infirm Persons' Property Act or an administrator under the Mental Health Act for the purposes of the Administration and Probate Act. I know that we will be subsequently dealing with a Bill to amend the Aged and Infirm Persons' Property Act, and the two are very much related.

If a person is aged or infirm or otherwise incapable of attending to his or her affairs, the Aged and Infirm Persons' Property Act provides a mechanism by which a person may make application to the Supreme Court for the appointment of a manager. After considering the material submitted to it, the Supreme Court will ordinarily appoint a manager if it is satisfied that the person in respect of whose estate the application is made is, in fact, incapable of exercising control over his or her affairs. In many instances the person appointed by the Supreme Court is the Public Trustee although there have been cases in which I have been involved where we have been able to persuade the court that it is inappropriate for the Public Trustree to be involved and that a daughter, brother, sister or other close relative is more appropriate to handle the affairs of that infirm person. But, generally speaking, the court tends to prefer the appointment of the Public Trustee.

Under the provisions of the Administration and Probate Act relating to the appointment of an administrator under the Mental Health Act a similar position applies: an appointment can be made of a person to act in the place of a patient (in effect, a person who is incapable of tending to his or her affairs) and that administrator is ordinarily the Public Trustee, although on occasions it can be someone else. What that really means is that where there is a will, for example, and the testator has appointed a person to be executor or one of a number of executors, if that person becomes infirm or becomes a patient under the Mental Health Act, the court may appoint an administrator or manager to take the place of that patient or infirm person. That means that the testator's wishes are overridden (to the extent of who will have authority to administer the estate) by the Supreme Court and, in most instances, that will be the Public Trustee.

From my experience there are many testators who deliberately appoint natural persons as executors and trustees because they do not want the Public Trustee or any private executor and trustee company to be involved in the administration of their estate. What the proposal will mean is that if, perchance, an executor becomes infirm, there is the very real potential that the Public Trustee will be appointed to act as executor in place of that infirm person and thus, have control of the affairs of the testator in accordance with the terms of the will. I have some difficulties in accepting that proposition. The same situation applies under the

Administration and Probate Act with respect to deceased estates where either there is a will with no executor appointed, in which event there is a grant of letters of administration with the will annexed or, alternatively, there is no will. The Administration and Probate Act identifies a number of persons who are entitled to apply for a grant of letters of administration with the will annexed or a grant of letters of administration of the estate of the deceased. For example, with the grant of letters of administration with the will annexed it may be a close relative, but, more likely, one of the persons who benefits under the provisions of the will.

In a deceased estate where there is no will the person who is entitled to take a grant of letters of administration of the estate is ordinarily a parent, child, brother, sister, and so on—a long line of succession in order of priority. If the Bill passes in its present form, it will mean that an administrator or manager will be appointed by the court (for a person who may have an entitlement but is incapable of exercising the entitlement) when there may be others in line of succession who will have an equal entitlement to deal with the estate in accordance with the will or with law.

The position in respect of more than one executor is even more difficult because if, for example, I appoint three people as executors of my will and none is the Public Trustee or a private trustee company, but one of them, after my death, becomes infirm and the Supreme Court appoints a manager under the Aged and Infirm Persons' Property Act or an administrator under the Mental Health Act, the Bill will allow that person to become a co-executor—contrary to what I may have provided in my will.

If, for example, there was not that power, the other two executors would have the right to apply for a grant of probate of my will with leave being reserved for the other person to apply for a grant at a later stage. That is presently allowed by the law relating to deceased estates. The Aged and Infirm Persons' Property Act and the Administration and Probate Act in so far as it relates to the Mental Health Act are both designed to allow for the appointment of a person to act as manager or administrator in respect of the affairs of the infirm person or the patient—not the affairs of that person in relation to someone else's affairs, but in relation to the affairs of that infirm person.

What this Bill seeks to do is widen the ambit of jurisdiction of the court to include now the affairs of a deceased person. During the Committee stage I will propose an amendment along the lines that the present law continues to apply but, if a court making an order under the Aged and Infirm Persons' Property Act or the Mental Health Act, for example, is of the view that there is no other person legally entitled or able to take a grant of probate of the will or a grant of letters of administration, then the court may empower the manager or administrator of that infirm person's affairs to apply for that grant. That means that the manager or administrator become persons entitled to apply for a grant of probate or a grant of letters of administration in place of the infirm person only as a last resort, and that seems to me to make the least possible changes to the current law, which in my experience has worked well. I have not seen any need personally for the sort of change which is being proposed in the Bill.

However, if the Attorney-General has some other evidence that shows a clear, unequivocal and urgent need for the Bill in its present form, then I am prepared to give some further consideration to it but, from my experience and from the experience of those with whom I have had some discussions about this, there is no need for this provision, although I am prepared to go so far as to say that, if there is no other person and as a last resort, the court may authorise a manager or administrator to apply for a grant of probate or letters of administration in the place of the infirm person, but only in those circumstances. Therefore, for the purpose of enabling consideration of that matter and also because we support the other part of the Bill without any quarrel at all, I will support the second reading of this Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the second reading. He has raised a number of issues which I will address in time for detailed consideration in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 April. Page 3721.)

The Hon. K.T. GRIFFIN: This Bill deals with a Children's Aid Panel. The Children's Aid Panel under the principal Act is the second stage in the process of dealing with young offenders, the first stage being reference to a screening panel to channel young offenders either through the Children's Court or a Children's Aid Panel. Under the principal Act the Children's Aid Panel is to comprise a member of the Police Force and an officer of the Department for Community Welfare unless the offence is one of truancy. If the offence is truancy, then the Children's Aid Panel comprises an officer of the Department for Community Welfare and an officer of the Education Department. Where there is truancy and any other offence, then the Children's Aid Panel comprises a member of the Police Force, an officer of the Department for Community Welfare and an officer of the Education Department.

I understand that there has been some difficulty in formally determining who appoints the various Education Department officers to the panel. The Bill is designed to clarify that and to put it beyond doubt that the Director-General of Community Welfare chooses the Education Department officer from a list of officers provided by the Minister of Education. We have no difficulty in supporting that proposal. The other more substantive issue relates to offences under the Narcotic and Psychotropic Drugs Act and the Bill provides for the appointment of a person approved by the Minister of Health to sit on the Children's Aid Panel, where such an offence has been committed.

As I interpret the Bill, it will be clear that the Minister of Health will provide a list of approved persons, and the Director-General of Community Welfare will choose the appropriate person from that list to become a member of the panel in those cases where an offence under the Narcotic and Psychotropic Drugs Act has been committed.

The Opposition has no quarrel with that provision. It seems to us that that is quite a reasonable proposal and involves an additional person who has hopefully some experience of young offenders and the medical side of the offence. Accordingly, we support that provision also. For those reasons, the Opposition supports the second reading.

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

LICENSING ACT AMENDMENT BILL (1984)

Adjourned debate on second reading.

(Continued from 18 April. Page 3736.)

The Hon. J.C. BURDETT: I support the second reading of this Bill. It was correctly explained in the Minister's second reading speech that the inquiry is still to report, that it is something like a month before it reports and that it is likely that some categories of licences will have certain expanded liberties to operate in areas in which they cannot now operate. A fear was expressed by the Minister in his second reading speech that, unless something was done about this, there might be an incentive for people to apply for existing types of licences in the expectation that, when they were granted, they would have the expanded liberties which are to apply in accordance with the recommendations of the inquiry. I entirely concur in and go along with that in supporting the second reading of the Bill.

The provisions should not be open-ended as to how long the Bill can apply, imposing this moratorium as it does on the granting of licences in certain categories. I propose in the Committee to move an amendment to apply a sunset clause so that it cannot go on forever. I do not believe that it should be able to go on forever.

The Hon. C.J. Sumner: That's a bit unnecessary, isn't it?

The Hon. J.C. BURDETT: It is necessary in my view.

The Hon. C.J. Sumner: Have you got your amendment?

The Hon. J.C. BURDETT: Not yet. If we are going to stop people applying for licences in certain areas—clubs, limited litre licence and so on—we ought to say when that stops and get on with our act. I accept that the Government will get on with its act.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. BURDETT: It is necessary in my view. We should not put a Bill of this nature on the Statute Book and leave it open-ended so that it could go on for five to 10 years.

The Hon. C.J. Sumner: No.

The Hon. J.C. BURDETT: I do not expect that it will, but I believe that the Government is sincere in getting on with its act, but it could go on for five or 10 years. I believe that a sunset clause is necessary and propose to deal with that in the Committee stages of the Bill. The Bill itself is reasonable and I certainly support it at the second reading stage.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support of the second reading of this Bill. However, I do not believe that a sunset clause is necessary. Clearly, when the report on the review of the Licensing Act comes down it is a matter to which the Government would wish to give priority. Obviously, if for some reason the Government decided to pigeon-hole the report, it would be easy to come back and repeal the Bill that we are passing today. However, I can assure the honourable member that it is not my intention, nor the Government's intention, not to attempt to put into effect at least some of the recommendations of the Licensing Act review. I cannot pre-empt the Government's view.

The Hon. J.C. Burdett: You don't even know what they are yet.

The Hon. C.J. SUMNER: That is true; we do not know the full extent of the recommendations. However, whether we accept or reject them, the Government is determined to give early consideration to the recommendations of the review. Obviously, if it decided to reject the whole lot, a repeal Act would be necessary. I do not expect that to happen. I expect that a Bill will be introduced at the earliest opportunity to give effect to the recommendations of the review—or at least some of them—and that will be done as early as possible. In the meantime, until the passage of that new legislation, this Bill will need to be in place. I do not see any need for a sunset clause to be introduced. Nevertheless, I guess the honourable member can look at the matter in the Committee stages. I appreciate his support for at least the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

Adjourned debate on second reading.

(Continued from 18 April. Page 3730.)

The Hon. L.H. DAVIS: This is an important piece of legislation, coming as it does to the Parliament after many years of discussion and consultation. Local government is the third tier of government and represents a very important element in the government of South Australia. As I understand it, some 7 000 people are employed in local government at present, and there are some 127 local government areas. The total area incorporated in local government areas as at 1 January 1982 accounted for only 15 per cent of the State's total area but for 99 per cent of the State's population; so it is true to say that local government takes in virtually all the population of South Australia. Honourable members will be aware that there are basically two types of local government areas: the district council areas, which are found mainly in the country, and municipalities, which generally constitute cities and metropolitan areas.

It is a tribute to the work of the Local Government Association and of the officers and members of local councils that a large degree of unamity has been achieved in respect of this important legislation. I pay a particular tribute to my colleague the Hon. Murray Hill, who grasped the nettle some four years ago on coming to office as the Minister of Local Government in the Tonkin Administration and took on board the difficult, if not formidable, task of updating legislation which had been conceived in the nineteenth century and which was a rather fragile legislative patchwork by the time the 1980s had been reached.

There had been many working parties and there had been a major committee recommendation in 1970, all of which failed to develop momentum in this area. Indeed, that 1970 report of the Local Government Act Revision Committee recommended a complete rewrite of the Act, and many working parties later, in 1984, we see the fruits of the labour of many people. So, while I pay a particular tribute to the Hon. Murray Hill, who intiated this difficult and tortuous path to the rewrite of the Local Government Act, I concede that the current Government has carried his initiative forward, although it has been under two umbrellas, the previous Minister having been replaced at the eleventh hour before the introduction of the Local Government Act Amendment Bill in another place.

Essentially, this legislation will be debated in Committee. It seems by general agreement from all sides that it boils down to a debate on four or five principal issues. In my brief second reading contribution I will outline some of those issues, the first of which is the area of financial interests. It seems that there is some variance of opinion as to whether the pecuniary interests of council members should be set down for public scrutiny or for scrutiny by council members if they believe that there has been a conflict of duty and interest. As the matter now stands, a councillor or council member who believes that he has a financial interest that may conflict with his duty as a councillor will simply withdraw his chair and will not vote on the matter.

There is a suggestion that council members' interests be listed in the same way as those of members of State Parlia-

ment have been recently required to be listed. That is something that I do not support. It cannot be said that council members receive remuneration or that their role is a full time position. They are representing a much more limited area. I would resist any attempt to require councillors to declare their financial interests for public scrutiny at this stage. Certainly, I understand, that in all other States records are kept but only of matters directly related to areas of council activity. I believe that this is an important matter and one that must be kept under review. It is quite clear that councils around the State have taken the trouble to examine this draft legislation and hold a variety of views on this matter. The Norwood council, for example, is unanimously against this idea. The St Peters Council was also against the provision allowing inspection of records of council members' financial interests by any member of the public on request.

On the other hand, the Adelaide City Council, which is by far the largest council in South Australia, believes that council members should declare their interests in areas of council activity. Most certainly, there is room for debate on this important area. A number of arguments have been put forward in relation to allowances for council members. There seems to be a general view emerging through the Local Government Association and member councils that there is no objection to reimbursement of legitimate expenses incurred by councillors, but they resist strongly the argument that councillors should receive an allowance for holding the office of councillor. I support that view because it may well be that people would then be attracted to serve on councils because they were interested in the money rather than in the residents of the area that they sought to serve.

A further area of interest is the length of term of council members. There has been, at both State and Federal level, a move towards the lengthening of members' terms on the basis that that creates greater stability, whether it applies to Federal or State Governments or, as proposed here, to local government. There is also an argument that longer terms will enable council members to develop greater expertise and awareness of issues confronting them in local government. The three year term of appointment has its proponents. The Norwood Mayor, the controversial Jack Richards, has argued for all seats becoming vacant at the same time because there is always the chance of new blood on a council. A three year term of appointment would give candidates a chance to contribute more. That is a fairly obvious argument in favour of the three year term. On the other hand, St Peters council prefers the current situation, which is a two year term of appointment with some councillors coming up for re-election every year on a rotational basis. However, the Mitcham council prefers a four year term with half the councillors retiring each year and the Mayor's term of office being for two years.

The Adelaide City Council expressed a similar view to that of the Mitcham council. There certainly does seem to be an argument that there should be a differential between the length of the term served by a council member and the term served by a mayor. There also seems to be a degree of consensus for council meetings to be open and for the suggestion that a mayor should have a deliberative vote rather than a casting vote. I am pleased to see that there has been this encouragement to have open council meetings, certainly for the legislative and policy making areas, and that in certain appropriate areas there should still be the right for councils to have closed meetings. One can refer to such areas as the receipt of legal advice, discussion of staff matters, possible acquisition of land in council areas and discussion and resolution of contracts and tenders, which are quite obvious areas where it is desirable to have closed council meetings.

One of the most contentious areas for debate in this matter is the time of council meetings and the requirement that councils should meet after 5 p.m. In January 1984 the Local Government Association made a strong submission to the Minister of Local Government about this matter. That submission was matched by submissions from many of the country councils. One could instance, for example, the request from the District Council of Peake, which is adamant that councils should be free to decide at what time their ordinary meetings commence. I think that it is significant that all other States allow councils and committees to determine the time of their meetings. There is no question that needs and circumstances vary widely amongst council areas. For example, one can see that in the City of Adelaide if one required a council meeting after 5 o'clock at night there would be less interaction between members of the council and the administration. In an area such as that of the Adelaide City Council that is of special importance. It will, of course, increase costs if additional staff are required to work after hours.

The date of council elections is, and always has been, a divisive issue. There have been those who have proposed an early winter election date for councils. That, of course, runs into the difficulty that councils are in the process of formulating budgets for the ensuing financial year at that time. On the other hand, if the date for council elections is set for shortly after the beginning of the financial year, in August or September, there is the difficulty that councillors facing the voting public may incur wrath if the rate struck has been increased dramatically. There has always been this problem of setting a date suitable and acceptable to the 127 councils throughout the State, given that it is desirable to have a common election date. There is the further complication that if the date is set in November, December or March that date may clash with a Federal or State election, which tend to be held more often in those months.

Another area that has been well canvassed is that relating to the method of voting. This is a complicated matter and will be addressed more fully during the Committee stages of the Bill. However, it will depend very much, I suggest, on the length of term that councillors serve. If we do resolve in Committee that councillors should be elected on an all in all out basis it may well change the complexity in the method of voting. If, for instance, a council of 20 members is required by legislation to retire at the end of a three year term there may be five wards with four members which will mean that four members will be elected for each ward every three years.

The options in a situation like that are numerous: to retain the first past the post voting system, which will be regarded by most people as quite uncomplicated; or alternatively to adopt a full preferential system, an optional preferential system or a system of proportional representation. On the other hand, the Parliament may finally resolve that councillors should serve a four-year term and that half the council should come out every two years, in which case the number of councillors required to be elected in each ward would be reduced. That is a complicated matter that will be best left to the Committee to decide.

Certainly, a variety of views have been expressed by both councillors and members in the debate. I am delighted to see this legislation before the Council, because local government has an important role as the third tier of government. It covers a variety of areas that we all too often take for granted. It touches on the health services in the community; community development; services for the young and the aged; leisure, recreational and cultural facilities; it has an important role in planning, environment and waste; and it also increasingly has become involved in co-ordinating and

communicating the information services for the local council area.

The funding for local government comes through the South Australian Local Government Grants Commission, which recommends grants from funds made available by the Federal Government under the Local Government Personal Income Tax Sharing Act. In addition, of course, funding is available through the Local Government Assistance Fund. Government grant moneys are paid by the State Government to local councils, which pass on those moneys to approved local community sponsored programmes in the region. Most councils are involved in the Local Government Assistance Fund. There are also Commonwealth grants for specific projects. I believe very strongly in the three tiers of government. There are those who believe that Australia is overgoverned and that State Governments should be removed, local government expanding to take on a more regional role and to fill the vacuum that would be created by the removal of State Governments. I believe that that is an idealistic hope. It will not happen in our time, and therefore it is important that we ensure that this third tier of government—local government—is give legislation that is workable and acceptable.

I believe that, given the large degree of unanimity that exists with regard to the bulk of the proposals before us, this Council will have no difficulty in resolving to support the Local Government Act Amendment Bill, although there are several areas of contention which I have mentioned and which will be more fully debated in Committee. I support the second reading.

The Hon. PETER DUNN: I support the Bill. This is really a Committee Bill, but I would like to comment in the second reading stage because in my short time in this place we have not debated a Bill that has aroused so much interest, particularly in country areas. It is interesting to note that this Bill changes quite markedly the action of the third level of government—local government. The Bill was drawn up after an investigation that was carried out some time ago by the Hon. Murray Hill during his term of office. The Hon. Mr Hill investigated the workings of the third level of government and suggested that it should be upgraded. I dare say that many of the tributes that come forward for this Bill will have to go to the honourable member.

It is interesting to note that at the 11th hour and the 59th minute there was a change of Minister to handle this Bill in the other place. That probably signifies the importance of this Bill, which will influence the lives of many people. Let us consider some of the problems that have arisen, most of which have been highlighted by local government through the Local Government Association after perusal of the Bill. There will be an impact on local government, although it may not be very significant.

As the Hon. Legh Davis has stated, the funding system is fairly complex. In essence, one-third of the funds comes from the Federal Government, one-third from the State Government, and about one-third is raised by rates and taxes imposed in local government areas. Therefore, local government has an important role to play, because it is handling funds while having a close association with the ratepayers. Whereas Government funds are distributed by public servants, local government has that responsibility directly. Local councillors employees talk to the people who pay dues to local government directly, and, therefore, local government is influenced by those people much more than members of the Parliament are influenced by the public.

The voting method will have to be considered very closely in Committee. There is a divergence of opinion amongst councils and members of this place in that regard. The district councils in my area work on a system of single wards and single representatives for those wards. Optional preferential voting or proportional representation would be remote choices because there would seldom be enough applicants. Quite often there is only one applicant, sometimes no applicants, and the council may have to appoint a councillor for that ward (although that has not happened in my area). There may be changes in the boundaries or the ward system if one of the other voting methods is adopted. We must consider this matter closely before a change is implemented.

The first past the post system, as many councils have indicated, is a simple method. However, some district clerks have considerable qualifications (and those qualifications are required for their appointment) and I do not believe that it would be beyond them to determine a slightly more complex but fairer system of voting. This should be looked at closely during the Committee stage.

Concerning three-year terms for members, I see a problem here, particularly if all members retire at the one time because there could be some manipulation on a very contentious issue. Local government is renowned for having issues that provoke the wrath of voters and the people it serves. Although councils have said that they prefer the longer period to put into action some of their programmes, I believe that there could be a problem.

The issue that provoked the most interest concerns council meetings not commencing before 5 o'clock. There is a very good case for this, although it is not clearly indicated, apart from the fact that it will give a broader cross-section of the community an opportunity to attend the meetings. I find that, and paying people to sit on district councils, a dichotomy. The crux of the matter is that members of councils should be there voluntarily and be able to nominate the time for the meetings. People in country areas would find it difficult to travel long distances after 5 o'clock to attend meetings. In my own district council a woman councillor travels 50 miles, much of it over dirt roads, to attend those meetings. If she had to return home late at night on slippery, wet and muddy roads with the odd kangaroo or wombat to contend with I am sure she would not want to do it and it may add the extra cost of staying overnight in the town where the meeting is held. That is undesirable. The Chairman of Elliston District Council lives in excess of 75 miles from the council chambers. I am sure that he would not be disposed to heading off in the small hours of the morning to travel home along that particular unsealed road he travels, which has had considerable publicity over the years but fails to attract funds for sealing. Therefore, I believe that councils should have the opportunity to nominate the time they wish to meet.

Another problem concerns the payment of staff who have to come back after 5 o'clock, which is their normal knock-off time. Health inspectors, weeds inspectors, electricity distribution people and many others working in the local government field will have to return late at night and report to the council meeting. I am sure that they will not be tickled with that. Why should Parliament decide when councils meet? I presume that Parliament decides the times it meets. Why should we not allow councils to decide when they meet? The Federal Government decides when it meets. Other State Governments do not decide when this State Government meets.

The Hon. J.R. Cornwall: You get paid a nice bit of money for your trouble in deciding what time you will meet here. Some of us even make a full-time job of it.

The Hon. PETER DUNN: That is true. I hope that every member of Parliament makes a full-time job of it. We do not all live in the city—some of us have to get out in the bush. There are a few people that need representation.

The Hon. J.R. Cornwall: I don't mean that. Councillors don't get paid. A lot of them have to work full-time during

the day to earn a crust. They can only be council members if they meet at night.

The Hon. PETER DUNN: There would be very few, unless they were unemployed and were able to be elected to the district council, that would not have full-time jobs. Many have to run their farms. Most people serve on local government because they get a certain satisfaction out of voluntarily helping their own district. I fail to have this feeling conveyed to me when I am in the city. People who work for themselves and work in their own community in the country do get this satisfaction.

The Hon. J.R. Cornwall: It is about wage and salary earners.

The Hon. PETER DUNN: I know what the Minister is getting at. If someone is on a council and helping in that area the industry should look favourably disposed at those people—

The Hon. J.R. Cornwall: They don't.

The Hon. PETER DUNN: Does the Minister have instances of that?

The Hon. J.R. Cornwall: Are you a philanthropist?

The Hon. PETER DUNN: I do not have enough money to be one, but I find that that would be a reasonable assumption. We could apply that situation to the Government, too. If its employees were interested enough in local government to take that job on they should have time off to attend council meetings. I believe that councils should decide when they meet. Concerning allowances to members, this has created considerable problems and it is unusual for a section of the community to say, 'No, I do not want to have an income because I like to work on a voluntary basis'. Many people in local government adopt this attitude and enjoy working for their community. This enthusiasm has been instilled in them from their school days and from being brought up in football clubs and other community activities, whether Apex, Lions, Rotary or whatever. Many people in councils work hard for their communities to better their communities. Those people obtain enjoyment from voluntarily working in local government and often do it with more zeal than the paid officer. To pay them an allowance means that ratepayers will have to fund this. In my council area there are 10 or so members. If they have an allowance of $1 500 it will mean that the council will not be able to spend $15 000 on kerbs, parks, the sealing of a road or provide services to someone who is unemployed. I do not think that allowances are necessary and many people in local government have indicated this.

Concerning the register of interests, this created much trouble as council members thought that every cent would have to be put down—where they made it and where they spent it. As members know, it is not quite as severe as that and what members of Parliament put in our register does not expose one's soul to the community. Members of councils work voluntarily for their district. Country people in particular know one another and know where others get their income. Country people know when their council members are passing judgment on matters in which they have a financial interest. I know that this is soon brought to the attention of the community. I do not think that the register of interests is necessary and councillors have indicated that they do not wish to have it.

There is a difference between city and country councils. I do not profess to know much about the operation of city councils but have read reports and can see that when mayors, for instance, are elected to city councils there is often quite a contest. In the country there is seldom that sort of enthusiasm and zeal.

The Hon. Diana Laidlaw: Councillors are pleasing their ratepayers perhaps?

The Hon. PETER DUNN: Maybe. As I pointed out earlier, most councils have wards with one representative and if he or she proves to be a good representative and looks after the ratepayers, usually he or she is allowed to continue in that field. There is a slight difference there, because the problems do not arise to the same degree as they do in the city.

The Hon. J.R. Cornwall: They are only allowed to continue: they are not allowed to get out of it—they volunteer for life.

The Hon. PETER DUNN: The Minister has stated that they volunteer for life and in some councils that is quite so; I admit that. There needs to be a little shake-up every now and again, but it does not alter the fact that generally it is very easy to perceive whether a council is working well merely by driving through the country towns. For instance, I cite places like Lameroo. While driving through towns on either side of it, they seem rather ordinary. However, when one drives into Lameroo (and this is my perception of it) one finds a nice neat town with some nice neat buildings. It is quite obvious that local government is working extremely well there, and that is merely my observation. I can cite other cases in the Mid-North, Eyre Peninsula and Yorke Peninsula, so I think that local government is terribly important.

We have to sort out this Bill in Committee so that it works. If we make it objectionable to those people who will work with it, then it will not work. It is important that they agree with it and will want to work with it to the best of their ability. I support the second reading.

The Hon. J. R. CORNWALL (Minister of Health): I thank honourable members for their contributions. As far as one can gather, at this stage there are probably three or four points of major contention and I think that as we work through Committee we may be able to narrow that down even further. However, there are one or two points which are major policy issues as far as the Government is concerned and which will not be negotiable.

The Hon. C. M. Hill: Which may not be negotiable.

The Hon. J. R. CORNWALL: Which may not be negotiable, indeed. However, I think that they are matters which are better left for canvassing clause by clause in Committee and I think that it would be very wise if we were to expedite the passage of this legislation into Committee and report progress to enable us all to think about it between now and Thursday.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. R. CORNWALL: I think that this is as appropriate a time as any to report progress because, as I indicated earlier, there are a number of matters on which we still have to take counsel and advice, and even some conferencing might go on in an informal way.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3) (1984)

In Committee.

(Continued from 18 April. Page 3725.)

The Hon. K. T. GRIFFIN: I draw attention to the state of the Committee.

A quorum having been formed:

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider new clauses relating to the appointment of members upon the union of a council.

Motion carried.

Clauses 2 to 4 passed.

New clauses 4a, 4b and 4c.

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

Page 2, after line 6—Insert new clauses as follows:

4a. Section 13 of the principal Act is amended by striking out paragraph VII.

4b. The following section is inserted immediately after section 13 of the principal Act:

13a. (1) Subject to this section, where the Governor makes a proclamation uniting two or more areas, the Governor may by the same proclamation or by a subsequent proclamation appoint, or make provision for the election of, the first members of the council to be formed by the union of the areas.

(2) Where the first members of a council are appointed by the Governor under subsection (1), those members shall retire at the conclusion of the next annual election.

(3) Where the Governor makes provision under subsection (1) for the election of the first members of a council, he shall also make provision for the retirement of those members.

(4) Where the proclamation uniting two or more areas is made upon the presentation of an address from both Houses of Parliament and that address makes provision for the appointment or election of the first members of the council to be formed by the union of the areas, the Governor shall act in accordance with the terms of that address.

(5) Where the Governor does not make a proclamation under subsection (1) before a union of areas comes into effect, the membership of the council of the area formed by the union shall, until the conclusion of the next annual election, consist of all of the persons who were, immediately before the union came into effect, members of the councils of the areas being united.

(6) A proclamation may be made under this section in relation to a council that is to be formed by the union of two or more areas notwithstanding that a proclamation for the union of those areas was made before the commencement of the Local Government Act Amendment Act (No. 3), 1984, (but a proclamation shall not be made if the union has come into effect).

4c. Section 24 of the principal Act is amended by inserting after paragraph *(i)* of subsection (1) the following paragraph:

(j) exercising the powers conferred by section 13a.

The proposed amendments provide for the insertion of three new clauses in the Bill. All the amendments are related and concern the power of the Governor to appoint, or make provision for the election of, the first members of a council that is formed by the union of two or more areas. Paragraph VII of section 13 of the principal Act presently provides that, upon a union coming into effect, the council formed as a result of the union shall, until the next annual elections, consist of all of the members of the councils that are being united. However, this is inconsistent with other provisions of the Act dealing with the constitution of new areas and the annexation of portions of areas, where the Governor is directed to appoint the first members that are required by reason of the constitution or annexation, as the case may be. Furthermore, it has been the case in practice that, upon a union coming into effect, the new council, comprising members from all the former councils, can prove to be a cumbersome and unwieldy body until the first elections are held. Accordingly, it is proposed to amend the Act to provide that, where a union is to occur, the Governor may make provision for the appointment or election of the first members of the new council.

It is considered appropriate that action be taken now, as it may be the case that these provisions will be able to serve some purpose before the other Local Government Act Amendment Bill that is presently before the Council is brought into operation. (Whoever wrote these notes put in brackets 'assuming that is passes'. I am not as pessimistic as that.) Finally, it may be noted that the proposed amendments are consistent with proposals contained in the other Bill.

The Hon. C.M. HILL: I support the amendment. It is a pity that the Government has not been able to introduce it in the normal way. It is short notice for it to be considered in full. I understand that there are some foreseen difficulties in the area of Kadina and Wallaroo.

The Hon. C.J. Sumner: It's your boss who wants it.

The Hon. C.M. HILL: I was about to say, far be it from me to argue with the local member from that region, only because he is a former Mayor of Kadina and has a deep knowledge of local government matters. Because of the amalgamation of the Moonta and Kadina councils, this difficulty has arisen and I believe that the amendment will overcome the problems, so that the first council for that area will not be a cumbersome body.

As a member of the Select Committee which recommended the amalgamation of those two councils I (and I am sure other members of that Select Committee) was impressed indeed by the calibre of the councillors who gave evidence from both councils and I feel sure that they will be able to work out between themselves those members whom the Government will ultimately proclaim to be the first members of the new amalgamated body as a result of this provision. So I see no reason to delay the matter and therefore support the amendment.

New clauses inserted.

Clauses 5 to 22 passed.

Clause 23—'Confirmation of by-laws.'

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

Page 4, lines 8 to 13—Leave out subsection (2) and insert new subsection as follows:

(2) A by-law forwarded to the Minister under subsection (1) must be accompanied by a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner—

(a) the council has power to make the by-law by virtue of a statutory provision specified in the certificate; and

(b) they by-law is not inconsistent with this Act or the general law of the State.

I explained this proposal at the second reading stage of the debate. The Government proposed in the Bill to change part of the machinery involved in the preparation of by-laws and sought to give the opportunity to legal practitioners to certify by-laws in lieu of that certification being carried out by the Crown Law Office, as is the case presently. No doubt there were some problems of workload and, therefore, some delay in the Crown Law Office on this matter, and local government itself no doubt was being impeded somewhat because of this situation.

I explained that, whilst the proposal to allow legal practitioners to do this certification in lieu of the Crown Law officers was one thing, perhaps Parliament ought to have some assurance that, indeed, the legal practitioner involved might be absolutely sure of the relative sections of the Local Government Act that related to the matter. This amendment provides that the Government shall prescribe a form which will be signed by the legal practitioner when he certifies the by-law and that that form shall lay down some specific detail which will give some extra assurance to the Government and to Parliament that this course of action will be undertaken, so that local government will not be disadvantaged in any way at all. I trust that the Government will look upon this amendment with favour.

The Hon. J.R. CORNWALL: The Government has examined the amendment, which it finds practical and sensible, and is pleased to accept it.

Amendment carried; clause as amended passed.

Remaining clauses (24 to 31) and title passed.

Bill read a third time and passed.

LICENSING ACT AMENDMENT BILL (1984)

Adjourned debate in Committee (resumed on motion).

(Continued from page 3810.)

Clause 2 passed.

Clause 3—'Moratorium on the grant of licences of certain classes.'

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

Page 1, after line 27—Insert new subsection as follows:

(3) This section shall expire on the 28th day of February, 1985.

The Bill as it stands is rather extraordinary. It means that, in certain areas such as clubs, wine licences and a number of areas under the Act, no-one can apply for a licence as long as this Bill stands. That is rather frightening really. There may be, say, clubs in the country, on Kangaroo Island or anywhere else, that need to apply for a licence but cannot get one.

The Hon. C.J. Sumner: They can get a permit.

The Hon. J.C. BURDETT: If they are permit clubs they can get a permit, but there may be clubs that require licences; there may be bottle shops; and there may be people requiring various sorts of licences on which a moratorium is prescribed under the Bill. It is fairly frightening that this just says, 'No-one shall get a licence in those areas. You cannot do that; you cannot apply; it cannot be granted.'

I have accepted, as I said in my second reading speech, that in this interim period while many of the recommendations of the inquiry are known and have not yet been announced there is a possibility of people applying for licences in the expectation that they will be able to expand them and have a greater liberty after recommendations of the committee are implemented, if they are. I still think that it is rather unusual to impose a moratorium so that people do not have the right to apply for licences for which, under the law as it stands, they have the right to apply.

This should not go on for ever. I do not agree with the comments that the Attorney made earlier when I spoke on the issue. It is quite reasonable to provide a sunset clause until 28 February 1985. If the Government does intend to sit the House during January and February that could be extended then if good reasons could be supplied. If not, in November or December, if good reasons could be supplied, the period could be extended. However, it seems unusual and a contradiction of the general Parliamentary process that we have a moratorium during which licences that can be applied for under the existing law cannot be applied for. That cannot be allowed to go on for ever. It is necessary for this Parliament to impose a sunset clause.

I accept the goodwill of the Government in this matter. It has pressed on with the inquiry, although it has taken rather a long time, and I accept that it will try to implement the recommendations of the inquiry as soon as it can. But, because the inquiry has gone on much longer than was initially suggested and because we still do not know when the report will be introduced—it has been suggested to me that it will be about another month, which takes us into June—goodness knows where we go from there. It is necessary that there be a stop somewhere. For these reasons, I move the amendment standing in my name to impose a sunset on the clause until 28 February 1985.

The Hon. C.J. SUMNER: I oppose the amendment. There is simply no need for it. It is all very well for the honourable member to say that it is unusual—

The Hon. J.C. Burdett: It is.

The Hon. C.J. SUMNER: Well, moratoriums have been applied on previous occasions. It is interesting to see that, when a Bill was introduced earlier in the period of the review to place a moratorium on the issuing of late night permits, the honourable member did not insert a sunset clause. He now comes in and wants to impose a sunset clause. It is nit picking in the extreme. I have already said that I expect the report of the review to be available within a month or so. The review has proceeded as quickly as has been humanly possible and was conducted by the officer who was appointed to carry it out, Mr Peter Young.

The Government, once that review has been presented to it, will want to get public comment on it as soon as possible, and it will want to act on it one way or the other as soon as possible. All the Bill does is provide for a moratorium during the hiatus period from when the report is made public to when new legisltion is introduced.

The Hon. J.C. Burdett: How long will that be?

The Hon. C.J. SUMNER: I hope—and these things often take longer than they should—that legislation can be introduced later this year, and be considered and at least resolved in the next session of Parliament, whenever that might conclude. It is not the Government's intention to delay consideration of the report of the review into the Licensing Act. This legislation will need to be in place until that new legislation is introduced, and it seems to be unnecessary for such a sunset clause to be included in the Bill.

The Hon. K.L. MILNE: I support the Attorney-General on this matter. I have spoken to the people who are making the review of the Licensing Act; they are doing it with great care. The Bill that we are discussing now is simply to prevent the misuse of the hiatus between now and when the new Licensing Act is finally approved and becomes law. I do not think that one can put a date on it or that there is any need to put a date on it. The Government is taking the matter very seriously and sensibly. I do not think that the Government needs to hurry it because it must be right and there will be a lot of discussion when the report comes out. I would not like to see it running to a sunset date because the Government will get its own Bill in, as it is anxious to do—I have had discussions with the Government as well—and it will do it as sensibly as possible. I support the Attorney-General and oppose the amendment.

The Hon. J.C. BURDETT: The Attorney referred to a previous Bill, but that pertained to permits.

The Hon. C.J. Sumner: Same principle.

The Hon. J.C. BURDETT: It is not. This pertains to licences. Will the Attorney say how many restaurant licences are presently pending and how many of the licences in the other categories are presently pending? It is disgraceful that the Attorney and the Hon. Mr Milne will deprive people who may be building premises for the purpose of setting up restaurants and the other classes of licences.

The Hon. C.J. Sumner: It would not cover restaurants.

The Hon. J.C. BURDETT: Restaurant licences were included according to the Minister's second reading explanation.

The Hon. C.J. Sumner: You had better read it then.

The Hon. J.C. BURDETT: I think that restaurant licences are included; I am sure that they are.

The Hon. C.J. Sumner: Read the Bill!

The Hon. J.C. BURDETT: The categories of licences did include restaurant licences, according to the Bill.

The Hon. C.J. Sumner: They didn't: wine licence, distiller's storekeeper's licence, club licence, cabaret licence and the 20 litre licence.

The Hon. J.C. BURDETT: A cabaret licence, a 20 litre licence, or whatever. If people are proposing to apply for that class of licence, why should they be deprived over an indefinite period, which could be 12 months, two years or whatever? It is quite wrong to deprive those people of the ability to apply for that class of licence.

The licences available are set out. They involve people who, under existing law, have an opportunity to apply for

such licenses. However, those people are to be deprived of that right, which seems to me to be quite improper if some sort of sunset clause is not to be put in the Bill? Why should these people be deprived of that right? Why can they not apply? Such people might have been building up for some time to apply for that kind of licence. I cannot understand the Attorney-General or the Hon. Mr Milne in their approach to this matter. One can put a time limit on the Government in relation to this matter, as it is already taking the matter out of existing legal procedures and saying that there is to be a moratorium and that the courts cannot grant a licence. If that is to be done, it is reasonable that there should be a stop on the period of the moratorium, and I suggest that a reasonable stop is the one proposed in my amendment, namely, 28 February 1985.

The Hon. C.J. SUMNER: This, really, is an argument about nothing. The flaw in the Hon. Mr Burdett's argument appears when he alleges that the moratorium will apply for an indefinite period and when he tries to argue that somehow or other that will be in the far distant future. It is not an indefinite period: it is until the passage of legislation to give—

The Hon. J.C. Burdett: What is the definite date?

The Hon. C.J. SUMNER: I have indicated the Government's programme in relation to this matter. I hope that the report will be prepared and finalised within four weeks or thereabouts.

The Hon. Diana Laidlaw: You were pretty well off the mark with the sex discrimination matters, so why should we believe you now?

The Hon. C.J. SUMNER: That interjection is utterly irrelevant and pointless. I said that the report will be, as I understand, completed in about four weeks. It will be made available to the Government and made public, and it is my intention that legislation to give effect to those recommendations in the report that are accepted by the Government be introduced as soon as practically possible.

I will not delay the matter deliberately. To say that the matter will stretch over an indefinite period is not correct and that is the flaw in the honourable member's argument—it is not an indefinite period but until fresh legislation is introduced. I have already indicated the programme involved here. However, if the honourable member finds, in two years, when the next election comes on, or late in 1985, that nothing has happened, he will be able (and I am sure he will) to criticise me and the Government and will no doubt then be able to introduce a Bill to release these licences from the moratorium. There is no point in putting a date in the Bill at the moment, as that can only cause difficulty given my undertaking as to the programme currently envisaged for consideration of the Licensing Act review.

The Hon. J.C. Burdett: Do I understand the Attorney to be saying that he is undertaking to introduce a Bill relating to this matter during the next session of Parliament?

The Hon. C.J. SUMNER: I cannot give an absolute undertaking to that effect because I have not seen the final review report in relation to this matter, so it would be absurd to do that. However, I can say that the Government's programme at the moment is for the report to be given to the Government, made public, for the Government to take certain decisions in relation to it, and for drafting of a Bill to occur during this year. That is my intention at present, and I will be surprised if that intention is not fulfilled. However, to ask me for an absolute undertaking is unrealistic because that is obviously something that I cannot give.

The Hon. J.C. BURDETT: I repeat what I said previously: any introduction of a Bill is indefinite and that the moratorium is indefinite and will continue until the Government introduces and passes another Bill in relation to it. I have asked for an undertaking about when that Bill will be introduced. That undertaking has not been given and the moratorium is indefinite. That is quite improper, as it is imposing a hardship on citizens who will not be able to use their legal rights to apply for licences in the category involved. I therefore support the amendment because the moratorium is indefinite and no undertaking has been given in relation to this matter.

I am quite surprised that the Attorney-General and the Democrats are not prepared to agree to a specific date because, if a date is set, it can be extended, as has occurred in the past in relation to Prices Act, where the date set has been extended from year to year. There is no reason why a time limit could not be extended if set. If the Attorney-General suggests that 28 February 1985 is an unreasonable date to set in relation to this matter, and if he would like to suggest some other period, I am prepared to listen to him about that. However, a time limit ought to be imposed because a moratorium will go on until such time as the Government introduces a Bill about which no undertaking has been given or can be obtained.

The Committee divided on the amendment:

Ayes (10)—The Hons J.C. Burdett (teller), M.B. Cameron, L.H. Davis, R.C. DeGaris, Peter Dunn, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 April. Page 3724.)

The Hon. J.C. BURDETT: I am prepared to support the second reading of this Bill to enable it to go into Committee, but I have some very grave reservations. The Bill seeks to do three things. First, it enables the Health Commission to license private hospitals on the basis of need. This removes the licensing process from local government and places it with the Health Commission. The matters taken into consideration with regard to licensing are extended beyond the mere physical facilities. The Bill really enables the private hospital system to be accommodated within the general control of the Health Commission for planning purposes. The Commission may impose conditions limiting the kind of health services that may be provided, limiting the number of patients to whom the health services may be provided, preventing the alteration or extension of premises without the approval of the Commission, preventing the installation or use of facilities or equipment of a specified kind, requiring the installation or use of facilities of a specialised kind, and regulating staffing.

There has been no consultation on this Bill. The South Australian Hospitals Association told me that it was provided with a copy of the Bill the day after it was introduced in the Council. It had not seen the Bill before that and it understood that implementation of the Sax Committee recommendations was to be undertaken only after there had been consultation. I have been informed by local government bodies that they have not been told—

The Hon. J.R. Cornwall: That is not true.

The Hon. J.C. BURDETT: I have been told that those bodies have not been informed. They did not know that the licensing of private hospitals was to be taken out of their jurisdiction and, in fact, they are not happy about this position. Secondly, the Bill removes the barriers in the present Act to part-time employees of the Health Commission and incorporated health units becoming contributors to the South Australian Superannuation Fund. I certainly would not want to interfere with the rights of part-time employees of the Commission and incorporated health units becoming contributors to the Fund; I would like them to have that right.

However, I believe that there are problems. The Fund already seems to be in some difficulty because of the number of members, the impositions placed on it, and its ability to meet, eventually, the rights of members. In the hospitals system there are part-time employees such as salaried medical officers who may be employees of several hospitals, some private and some within the hospital system, and I just do not know where the burden will ultimately lie. I would not want to interfere with the rights of any individual who would, under the Bill, have the right to superannuation, but I believe that there are some problems in regard to the Fund. Thirdly, the Bill broadens the fee fixing regulatory powers to ensure that the level of fees of all hospitals that are funded pursuant to the Commonwealth/State funding arrangements can be regulated.

In regard to the ability of the Health Commission to license private hospitals on the basis of need, and really to control them, I have very grave misgivings as a matter of philosophy. Those hospitals are part of the private sector, they operate effectively, and they provide a service to the community. Under the Bill, these hospitals will be told whether they can or cannot be licensed. Because of the excess beds in the South Australian hospital system, they could be told that in future they cannot be licensed, although they must be licensed for the initial period. There is the ability to lay down rules about staffing and to tell hospitals that they cannot have certain facilities or that they must have certain facilities. This imposes a very great degree of responsibility on the Health Commission. I am not saying that the Health Commission will not exercise this responsibility in a proper way, but it certainly has the ability not to exercise the responsibility in a proper way.

Power is given to close down private hospitals or to effectively close them down by telling them what they may or may not do. I do not assume that the Commission will exercise its powers in this way, but I point out the very grave responsibility imposed on the Commission under the Bill. I warn the Commission that, if the Bill passes, the Opposition will monitor very carefully indeed the way in which the Commission exercises this responsibility that it seeks to assume. We will criticise the Commission if it appears to be using this power to shut down the private sector or to close down private hospitals that are providing services to the community in a proper way.

A great deal will depend on the way in which the Bill is administered. If the Bill passes, I sound the warning that the Opposition will closely monitor how it is administered. Some matters in the Bill certainly need attention, and there may be others.

Clause 10 provides the details by which information is to be given by applicants for licences. Applicants must provide the information, that is prescribed by regulation. Proposed new section 57c (3) also requires applicants to furnish to the Commission such additional information as the Commission may require to determine the application. I am informed that already the South Australian Hospitals Association and its members are concerned about the administrative burden that is imposed on them by hospitals being required to provide a great deal of additional and unnecessary information which is not necessary to determine the licensing situation at all. It seems to me that, if applicants furnish to the Commission the information which is prescribed by regulation and over which Parliament has some control, that is sufficient. I am thinking of moving an amendment to delete the requirement for further information.

Pursuant to proposed new section 57e, the Commission may impose and vary conditions. If one is to have the situation as explained in the second reading explanation that the hospital system is to be brought, for planning purposes, within the ambit of the Health Commission, the variation should be by notice in writing as prescribed in proposed new section 57e. I suggest that there should be a time limit and that at least 30 days notice should be given in advance. To require that condition to be imposed, the next day would, in my view, be quite oppressive.

Pursuant to proposed new section 57g the licences will be issued for a 12 month period. To me that is quite oppressive. Accreditation for hospitals is for a period of three years, and we should be looking at a three year licence period or a continuous licensing system. I will be looking at that during the Committee stage. Proposed new section 57i provides that the holder of a licence can be called on to show cause why he should not be deprived of his licence or why his licence should not be suspended. I think that that holder should be given a reasonable period of notice, such as 30 days.

Clause 12 adds to the regulation making powers. Most of these are matters which usually are in regulations. One matter relates to the power of inspectors. In regulatory measures of this kind the powers of inspectors are usually set out in detail in the Bill and quite often the debate in this Council and in the other place relates to whether or not the powers of inspection are reasonable. I believe that the powers of inspection should be taken out of the regulations and spelt out in the Bill. During the Committee stage I will move an amendment to put into the Bill the powers of inspectors and a moderate inspectorial power.

I am prepared to support the second reading at this stage so that the Bill can go into Committee. I do so with grave reservations because the Bill gives to the Health Commission power to exercise complete control over a substantial private sector of hospitals. The Minister put at 24 per cent the number of hospitals presently in the private sector. This Bill puts those hospitals in the hands of the Health Commission so it can tell them that they can or cannot be licensed, that they must or must not have certain equipment, and so that it can tell them what their staffing needs should be, and so on. When one is looking at hospitals throughout South Australia, one understands the need to be able to plan them on a State basis. I understand that a great deal of funds go to private hospitals in the form of fees from the State and Federal Governments, so that we are looking at public funding.

I have considerable reservations about the Bill and the power that it gives over people who are private entrepreneurs, many of whom are community entrepreneurs. This Bill places those people's affairs in the hands of the Government in the form of the Health Commission. So that the Bill may go into Committee and be further considered, I am prepared to support the second reading.

The Hon. R.J. RITSON: I support the misgivings expressed by the Hon. Mr Burdett and also support the second reading with equal misgivings but believe that the Bill deserves to go into Committee. First, I am concerned about the question of licensing being based on need. I have no concern about the question of facilities. I think that

proper control of standards of hospital care in this State rightly demand central control of facilities and staffing levels. But, I am concerned about the question of need because it is a very subjective thing.

I am reminded of the dim dark days in Elizabeth when the hospital, which was both socially and physically designed as a small community hospital, became the subject of certain ideological aspirations. It was decided that certain practitioners would be fixed up by creating a public hospital at the Lyell McEwin. One of the consequences of this was a virtual lockout of senior private visiting specialists, and quite junior salaried medical officers with a great propensity to kill people were enlisted to work for a salary to fulfil the ideological aspirations of some of the people who sat on the board and administered that hospital.

Those were the days when the Hon. Peter Duncan, the member for Elizabeth, led an anti-doctor march which started at the hospital, went round Elizabeth and stopped at each doctor's surgery protesting against doctorhood. The march attracted 28 persons, one of whom was a little old lady who hit the Hon. Peter Duncan over the head with an umbrella.

However, that little anecdote is worth telling because it indicates the political and ideological climate at that time surrounding the virtual lock-out of the senior specialists and the importation of less experienced juniors who would work on the right side of the ideological fence. One of the consequences of that was that this new 'Clayton's' of a public hospital when one is not having a public hospital did not fulfil the needs of the community as perceived by that community. A new need arose and an organisation with an American corporate parentage built a private hospital at Salisbury which immediately prospered because of the need.

However, I do not believe for a moment that a socialist Government would have believed that there was a need for that private hospital. It would have believed that there was a need to take a Procrustean approach to cut off the feet, to compress the existing medical order into the Clayton's public hospital out there. Therefore, it may be in instances where there are moves to establish a private hospital that the community and the patients see a need but a Government refuses to see a need because for ideological reasons it has a different idea of what a need is. One of my great fears with this provision for need based licensing is that this sort of ideologically coloured idea of what is need and what is not need will be used by Labor Governments which are indeed dedicated to the effective socialisation or nationalisation of medicine in this country.

I refer to the question of price regulation. Let me say at the outset that I believe that, where the public dollar is expended, it should be controlled so that, if it is decided in the wisdom of the Government that as an act of welfare it shall rebate so many dollars for a certain condition, medical service or a day in hospital, it can and it should limit such welfare payments.

I have no truck with that, but, when a hospital sets its fees, of course, it is not setting the rebate. That is already set and already has its ceiling. What it is doing is setting the total fee, and the difference between the rebate and what the patient pays is a non-public dollar, yet that is what is proposed to be regulated here. Of course, the public dollar is already regulated from Canberra. It is regulated in terms of deficit funding of hospitals by the State, but patients who choose to pay that dollar which is over and above the ceiling of the public dollar (and they may pay this because they want a colour television, carpets, en suite bathrooms—who knows?) are in theory by this Bill prevented from paying a bill which they may indeed wish to pay. Again, I can see the potential for ideological action by a Government which objected to a system whereby a private hospital might provide a certain level of comfort or luxury and charge for it, and people were prepared to pay for it.

They might object to this on some sort of class based ideological argument, so they seek to regulate it under the disguise that it is somehow controlling the public dollar, when in fact it is not: it is intruding into a person's right to spend over and above the basic public refund provided per day in hospital or per medical service. This is not at all surprising to those who are aware of the policies and philosophies of a man called Dr Deeble. I would like to draw the Council's attention to Dr Deeble for a moment because in his thinking is to be found the explanation for clauses such as this.

In 1974 Dr Deeble advised the Whitlam Government at the dawn of the introduction of Medibank Mark I. Dr Deeble and his then confrere Dr Scotton addressed a gathering at which I was present, and he explained then that he was urging the Whitlam Government to prohibit private medical insurance (that is, as distinct from hospital insurance) from offering any policy which would pay doctors' bills. He explained the reason to the gathered multitude and said that in any public medical welfare scheme it was vital to ration the services, and the most effective way to do so was to produce the pressure of a queue (the pressure of demand) on doctors so that, faced with this queue (this workload), the doctors themselves would pick out of the queue only those cases which were urgent and would presumably neglect the rest: thus, the pressure of the queue would cause the doctors to produce their own medical rationing.

However, if it was permitted for other individuals with enough money to insure, even if it meant that they still paid the levy and did not use the Government services and even if medical expenses were no longer tax deductible, there would be a number of persons who would take advantage of that private medical insurance. Those people would form a smaller queue with other hospitals and medical practitioners, and the people in the big queue would look at the people in the small queue, become envious and the system would break down. This was Dr Deeble's theory in 1974.

In this day and age we know now that Dr Deeble's philosophy has penetrated the Hawke Government to a greater extent than it penetrated the Whitlam Government and, indeed, that private medical insurance is now prohibited. I noticed in today's newspaper that Dr Blewett, continuing along the Deeble line, is now so interfering with the freedom of Australian citizens that he is talking about descending like a tonne of bricks on other forms of hospital insurance. The American Express system—

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: I am not interested in the Minister's interjections at this stage. I am speaking: I have the floor. These other forms of hospital insurance are being descended upon by Dr Blewett, so clearly we have to consider this Bill in terms of the stated political philosophy of the Parties and people who will be in charge of it. It has been said in this Council this year (I forget by whom, but I think it was the Hon. Ren DeGaris). He said something very wise: there are two reasons for doing everything—there are the good resons and the real reasons. It seems to me that as legislation comes before us we see a series of Acts, Bills and administrative decisions which all have their good reasons, but it is possible to pick out a clause here, a decision there and get another set and draw another circle around them, which adds up to the health nationalisation legislation of 1984. Therefore, like the Hon. Mr Burdett I have grave fears that stuff put up before us with stated good reasons may be used for the real reason.

For example, it is common knowledge that Keith hospital is hated by the Minister of Health. If he is given the power to control its fees, what will the Minister do? Quite obviously the great power to be exercised against such hospitals is the Federal power to withhold benefits, the power to classify hospitals, and the power to kill them off by making them category 3. If a hospital such as Keith hospital were to survive this, it would do so by the fact that perhaps the surrounding community was well off and a large number of people were able to afford to pay $150 a day and might, in fact, choose to do so. If that happened and the hospital survived, the potential would be there for the Minister to come in with prong No. 3 of the health nationalisation subset that pervades a lot of other Bills and say that the Government will control the fees even though it is not controlling the public dollar but is controlling the non-public part of it after the basic refund to which everybody is entitled for paying 1 per cent of their pay.

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: I do not want to listen to the drivel from my left.

The Hon. J.R. Cornwall: It's not a recognised hospital. You are talking about things that have nothing to do with this Bill.

The Hon. R.J. RITSON: I think it has everything to do with this Bill. I am not talking about the good reasons and the face value of the Bill. If the face value of the Bill was technically assailable, indeed we would be dividing on the second reading. I am talking about the medico-political milieu in which a lot of legislation has been introduced. I am talking about fears that a combination of powers, not all of which and not many of which, are in this Bill, some of which may be used as the subset for the wrong reasons.

Having expressed that concern, with grave reservations and suspicions about the ultimate use or abuse of the whole field of legislation, not just this Bill, but the subset which lies as a dream at the end of Dr Deeble's rainbow, I support the second reading because of the face value of the Bill. I support very much what the Hon. Mr Burdett has said about the political philosophy of the whole set of health regulations facing Australian health legislation and Australia at the moment.

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

ADJOURNMENT

At 10.40 p.m. the Council adjourned until Wednesday 2 May at 2.15 p.m.