LEGISLATIVE COUNCIL

Thursday 29 August 1985

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

QUESTIONS

NURSING HOMES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation prior to asking the Minister of Health a question about nursing homes.

Leave granted.

The Hon. J.C. BURDETT: Honourable members will be aware of the action of the Commonwealth Government some months ago in freezing the subsidy to private nursing homes in South Australia and Victoria. South Australia and Victoria have higher minimum standards, particularly with regard to staffing and other standards, than the other States, and had previously received higher subsidies accordingly. In most private nursing homes, the charge is such that the resident receives a small amount of pocket money out of the pension. With the freeze, this will not be so and many nursing homes will be in a serious financial position. The effect of the Government's action will be either to reduce standards to the lowest common denominator throughout the country or to take pocket money out of pensioners' pockets.

The Minister and I have referred to the situation on several occasions. We are both well aware of and regret the situation. At an exhibition at the Fullarton Park Community Centre, put on by the Nursing Homes Association, the Commissioner for the Ageing, Dr Adam Graycar, castigated the Commonwealth Government in the strongest terms over this issue. The position of South Australia is particularly grim. In Victoria the 38-hour week was introduced about 18 months ago and this additional cost has been allowed for in the subsidy. In South Australia, the 38-hour week was introduced only this year and no increase or adjustment has been made. On top of this, we have the freeze. I understand that the Minister has been most assiduous in trying to redress this situation. He has written to his appropriate Commonwealth colleague on several occasions and also seen the Commonwealth Minister personally to put South Australia's case. My questions are:

1. What is the current state of play?
2. Is there any light at the end of the tunnel?
3. Has the Commonwealth Minister made any suggestions for resolving the problem?

The Hon. J.R. CORNWALL: I must say at the outset that I have not seen the Minister personally, in the recent past. I boarded a 727 at Adelaide Airport a very short time ago—from memory, it was the week before last—in order to go to Canberra. The plane got to the end of the tarmac, had mechanical difficulties, and returned to the terminal. We were told that we would be put on an aircraft from Melbourne to Sydney on arrival and eventually get to Canberra at 12.15 p.m. for a 10.15 a.m. appointment, so my two officers and I left the aircraft. I did not see fit to waste a good pair, since I made the arrangements, and I occupied myself doing other constructive things.

Members interjecting:

The Hon. J.R. CORNWALL: That was most unfortunate and regrettable. I have corresponded with Senator Grimes on a number of occasions—

Members interjecting:

The Hon. J.R. CORNWALL: Yes, the tickets were fully refundable, I am happy to say. I protested most vigorously and loudly. I have done that not only by correspondence with the federal Minister for Community Services but publicly. It is important to outline the position briefly, because South Australia and Victoria have minimum standards of staffing which are substantially higher than the other States. Basically, the Federal Government is trying to bring us down to the lowest common denominator.

We established those staffing levels after a careful assessment by an individual whose name eludes me at the moment, but it was a very careful study and assessment which, from memory, was undertaken during the time of the Liberal Government. Those regulations were being developed when I became Minister. We went on with them, and in 1983 (again, from memory), or it may have been early in 1984, the regulations were promulgated which set the minimum standards and those are not negotiable as far as I am concerned as Minister of Health. I am sure I would be joined by every member of Parliament in this matter, but we do not believe that economies should be affected by any Federal Government at the expense of the frail aged. I have said publicly often—and I repeat it now—that I would resist that with all the strength that I could muster.

Another point I would like to make is that the only concession the Federal Government has made is to say that it would like the same individual who undertook our assessment of what ought to be minimum staffing levels to do a nationwide assessment. As an assessment has already been undertaken in South Australia, it would seem to be a waste of time and a repeat. I cannot see how there could be any different finding, given that the report stated that a number of nursing homes in any case provided little more than custodial care. There is certainly a minimum standard, and there is no intention that we should go below it. Originally, of course, we have deficit funded nursing homes—mostly church and charitable non-profit organisations—whose deficits are literally funded by the federal Treasury, so that they do not operate at a loss. On the other hand, we have the participating nursing homes, which are mostly the private 'for profit' homes, and they comprise a significant number of nursing home beds that are provided by the private 'for profit' sector. Their benefits are adjusted in November each year and their charges are adjusted throughout the following 12 months.

Therefore, in November of any given year, traditionally over the last decade, about 70 per cent of those participating nursing homes have charged State standard fees, that is, 87.5 per cent of the pension plus supplementary assistance. Of course, that has been eroded as charges have gone up over the course of the next 12 months. Therefore, as far as we can gather, in any given October of any year only about 25 per cent of those participating homes are able to set their charges at around the so-called State standard charge. In other words, they do go beyond, so that the 12.5 per cent, which is normally left to the pensioner patient for the necessities of life, is eroded during the 12-month period. Even the old system was not entirely satisfactory.

However, the proposed system is quite preposterous because we would rapidly run into a stage where not only the entire pension plus the supplementary assistance would be taken as part of the fee but, in addition, the relatives or friends of the patient—and in many cases that means pensioner relatives and friends—would have to find money from whatever source or, alternatively, dig into the assets, meagre or otherwise, of the patient or relative. For those numerous reasons, it is unacceptable. We have stated our position very clearly. The Federal Minister and his colleagues certainly know our position. I have another appoint-

ment to see Senator Grimes on 12 September (I think it is from memory), so at that stage I will again make a very—

An honourable member interjecting:

The Hon. J.R. CORNWALL: I will require another pair, yes. I hope that I will get off the ground by 7 a.m. on that occasion and get to Canberra in time. I must tell the House that as a matter of commonsense and insurance on this occasion I have a 3.15 p.m. appointment so delayed aircraft and fogs notwithstanding and provided that my physical health and well being remain intact until that time, I will talk to Senator Grimes on that date.

DOMESTIC VIOLENCE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Health, as acting Leader of the Government in the Council, a question on the subject of domestic violence.

Leave granted.

The Hon. K.T. GRIFFIN: A newspaper report today indicated that the Government was setting up a Domestic Violence Council to oversee proposed changes in the ways in which South Australian authorities handle domestic violence. The newspaper report referred specifically to a report on domestic violence by Ms Ngaire Naffin, in the Premier's office. It is not clear whether the Government has accepted all the recommendations in Ms Naffin's report, or only some or none of them, or whether the proposed council is to implement changes proposed in the report or merely to advise on the recommendations.

The newspaper, for example, says that the council is to report in 12 months and that a special unit may be established in the Police Department. I note, though, that the report recommends the retention of restraining orders, as introduced by the Tonkin Liberal Government after Ms Rosemary Wighton, the then Women's Adviser to the Premier, had published a report on domestic violence. The report recommends a radical change in presentation of evidence by an alleged victim, by sworn statements in lieu of appearing in court. It also refers to the appointment of a senior police officer to investigate complaints against police in relation to the enforcement of the laws relating to domestic violence. However, the status of the report and of its recommendations is not clear. My questions are:

1. Has the Government approved all the recommendations in the report?

2. If not, which recommendations have been supported and which rejected?

3. What is the task of the proposed council and when will it be in operation?

The Hon. J.R. CORNWALL: I was present in Cabinet when this matter came before it and, to that extent, I was a participant in the discussion. However, this does not fall directly into any of my areas of immediate responsibility, and I therefore do not have the sort of detail that the honourable member is seeking.

The Hon. K.T. Griffin: You did announce within your own department a domestic violence crisis.

The Hon. J.R. CORNWALL: We have a domestic violence counselling service, surely, which is funded by the Federal Government, and the Health Commission will be represented on the Domestic Violence Council, which in turn will have three committees. In view of the detail to which the honourable member is certainly entitled and deserves, it would be better—

The Hon. Diana Laidlaw interjecting:

The Hon. J.R. CORNWALL: So is the public. I am sure that the Hon. Miss Laidlaw is capable of getting hold of the report and reading it. It would be appropriate for me to refer these questions to the Premier, who made the announcement, and bring back a detailed reply.

OFFICE OF ALDERMAN

The Hon. C.M. HILL: My question is directed to the Minister of Local Government. Does the Minister intend to take any action to do away with the local government office of alderman in South Australia?

The Hon. BARBARA WIESE: It is not the Government's intention to take action on this matter at this time. As the honourable member is aware, it is Labor Party policy to abolish the position of alderman in local government. However, it is certainly not my intention to take action to implement that policy at this stage.

WEST TORRENS OVAL

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Recreation and Sport, a question about the West Torrens Football Club and Thebarton council.

Leave granted.

The Hon. I. GILFILLAN: In the sport section of the *Advertiser* of Thursday 15 August an article written by Peter Haynes headed 'Cricketers may prepare own pitch' outlines the dilemma confronting the West Torrens District Cricket Club, the West Torrens Football Club and the Thebarton Asteras Soccer Club in relation to arrangements with Thebarton council and possible costs to be imposed by the council for maintenance of the cricket pitch and oval and some irregularities perhaps in regard to the leases for those sporting venues.

I refer to a letter from the West Torrens Football Club General Manager, Mr Tom Black, to the Clerk of the Corporation of the Town of Thebarton of 27 August, which states:

> Dear John,
>
> We are advised by our solicitors that the corporation has now agreed all sections of the proposed eight-year lease for the use of Thebarton Oval. As such, we therefore require completion, by signature, by the appropriate authorised officers of the Corporation of the Town of Thebarton.
>
> If the appropriate documents have not been duly completed within the next seven days the West Torrens Football Club will be placing the matter in the hands of our solicitors to seek damages for non-compliance.
>
> Without prejudice.

Obviously, that is an indication of the quite serious disquiet and concern felt by the West Torrens Football Club and, quite obviously, it extends to the West Torrens Cricket Club. Is the Minister aware of this dispute over an apparent agreement between the council and the West Torrens Football Club? Has the Minister been asked to become involved or adjudicate in any way, and will he, from the auspices of his ministerial responsibility, participate in trying to settle this problem?

I understand that the lease was signed by the previous mayor, Mr John Keough, and I am advised that the football club will not be able to absorb the indicated increase. Is the Government aware of the problem confronting the Thebarton Asteras Soccer Club in its continued use of the Kings Reserve? Is the Minister satisfied that charges imposed on the Asteras Soccer Club are reasonable, considering that the location is a reserve? Also, is the Minister aware that a disabled lawn bowling complex is proposed at the Thebarton oval grounds? Will the State Government provide support for the complex? Finally, will the Minister make a

public statement in relation to the future use of the Thebarton Oval by the West Torrens Cricket Club and the West Torrens Football Club?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

ABORTION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Health a question about termination of pregnancy.

Leave granted.

The Hon. DIANA LAIDLAW: In October 1984, I understand at the request of the Minister of Health, the South Australian Health Commission established a working party to review the adequacy of existing services for termination of pregnancy in South Australia. At that time I applauded this initiative, but there are many people who misunderstand and others who sometimes distort the nature of existing abortion services in South Australia.

Just two weeks ago, for instance, a demonstration was held at the Queen Victoria Hospital led by a Chicago Right to Life activist, Dr Joe Schiedler.

The Hon. Anne Levy: Six people went.

The Hon. DIANA LAIDLAW: Yes. It is apparent that anti abortion zealots in this State and those from overseas plan to step up their activities in coming months even though, as the Hon. Miss Levy said, only six people attended that Queen Victoria Hospital demonstration. Mr Schiedler has been reported in an *Advertiser* article as saying that future activities by the group would include:

> To organise women to get themselves admitted to the hospital under the pretence that they want to have abortions and talk to the women in there.

I also noted in the most recent newsletter published by the Right to Life Association that that association is planning extensive campaigns in marginal seats at the next State election on a scale, I understand, similar to those held in Victoria prior to the election in that State earlier this year.

In these circumstances I believe that there is a need to promote a balanced approach to termination of pregnancy services in South Australia. I believe that the report of the working party investigating the adequacy of these services would assist in placing the debate in a proper perspective.

The release of the report would also assist those responsible for the management of hospitals that provide family advisory units. As I understand that the working party has presented its report to the Minister of Health, does the Minister plan to release that report before the forthcoming State election and, if not, why not?

The Hon. J.R. CORNWALL: The honourable member understands quite incorrectly—they have not presented their report to me at this stage.

The Hon. Diana Laidlaw: I gave the view of a number of people who had contacted me on that matter.

The Hon. J.R. CORNWALL: I have not seen the report. Is the honourable member accusing me of lying, like her colleagues the Hon. Mr Lucas, and others.

The Hon. Diana Laidlaw: No, I am not. I said that there is an impression in the community that the Minister has been presented with the report.

The Hon. J.R. CORNWALL: I have not been presented with the report. It was my initiative that resulted in the working party being set up. It is chaired by my Women's Health Adviser, the first women's adviser in health.

Members interjecting:

The Hon. J.R. CORNWALL: Today is the day that members opposite are going to send me over the top. Members opposite are boasting around the corridors that they will send Cornwall over the top. I think not! I am very relaxed. I am laughing.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The honourable member would do well to address the Chair.

The Hon. J.R. CORNWALL: To which honourable member were you referring, Mr Acting President.

The ACTING PRESIDENT: The Minister.

The Hon. J.R. CORNWALL: I thought that I would check as I am in very good humour today. The working party is chaired by the Women's Health Adviser, who was appointed by me and who is the first Women's Health Adviser appointed in this country. The working party has very comprehensive terms of reference and has done much consulting. At the Queen Victoria Hospital, in particular, it has been involved, as I understand, in virtually an advisory capacity.

I have certainly asked the Women's Health Adviser to brief the Board of Management of the Queen Victoria Hospital, preferably at its very next meeting. There are a number of problems that I will not canvass at the moment. I agree that the report will certainly assist in placing the debate in proper perspective. I make the point that it is anybody's democratic right to demonstrate, whether it be the Right to Life or any other group, either from the extreme right, extreme left or anywhere in the centre.

The Hon. Frank Blevins: The extreme moderates.

The Hon. J.R. CORNWALL: Even the extreme moderates, as my colleague says, are entitled to demonstrate. However, I would insist that they behave themselves in an orderly fashion. I would make it very clear that if anyone tried to force an unauthorised entry to harass patients at the Queen Victoria Hospital, or any other hospital in this State, then they would be treated with the full rigour and vigour of the law. Such action is totally unacceptable, as is the physical jostling and other incidents in which the Right to Life Association was involved during both the federal and Victorian election campaigns.

I repeat that they most certainly have a right to demonstrate. They have very fervently held views which, I guess, is their democratic right. However, they have no more or less rights than any other segment of the community. I hope that the report will be available in the near future. I hardly think there is any good reason for me to sit on it once it becomes available because, far from being some sort of an incubus about my neck, or about the Government's collective neck, the polls show quite clearly that a clear majority of women in this State and around the nation support sensible abortion laws. A clear majority of women in South Australia would very much support the sort of things that the working party is looking at, particularly pre and post counselling, which is most important. They have grappled with a number of very real problems, staffing being one of them.

The Hon. Diana Laidlaw: Who has grappled?

The Hon. J.R. CORNWALL: The working party. I have received some interim reports—verbal reports. In fact, I have been briefed on a fairly consistent basis by the Chair of the working party. I anticipate that it will be a very good report. It certainly is not available at this time. No completed report has been put on my desk. When it is, it will go to Cabinet and I will be recommending that it be released as a public document.

AIRPORT VISITOR INFORMATION

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question about airport visitor information.

Leave granted.

The Hon. L.H. DAVIS: The Minister of Tourism, for some extraordinary reason, has chosen in recent times to criticise the Tonkin Liberal Government for its successful efforts to secure an international airport terminal for Adelaide. That terminal, as we all know, was opened just prior to the November 1982 State election. The Labor Government has now been in office for nearly 33 months. A few weeks ago I was at the international airport terminal and was amazed to discover that not one skerrick of visitor information on Adelaide or South Australia was in that terminal.

I have previously expressed concern about the fact that operators in the tourist industry are effectively discouraged from advertising in the domestic terminal because they are required to pay some $300 a year for the privilege of displaying a pamphlet advertising their motel, tourist operation, or whatever. Admittedly, the airport is not directly under the jurisdiction of the Minister of Tourism, but she has seen fit to criticise the previous Liberal Government for its efforts to secure an international airport and I think, quite properly, she should be concerned about the matters I have just raised. It seems surprising that the Labor Government in nearly three years has allowed this state of affairs to continue. My questions are:

1. When will the Government do something to rectify the deplorable lack of visitor information at the Adelaide International Airport?

2. When will the Government seek to ensure that visitor information can be properly displayed at the domestic terminal without the discouragement of a $300 annual fee?

The Hon. BARBARA WIESE: At no stage have I ever criticised the former Liberal Government for seeking to secure an international terminal for Adelaide. What I have criticised is the indecent haste with which it sought that terminal; that then led the Liberal Government to accept a terminal that was not adequate for South Australian standards. Because of the action that they took and their indecent haste to get an airport open before the election, they were prepared to settle for an airport which was suitable only for a country town, not a capital city.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: As honourable members opposite know very well, the current Government has made a number of attempts to secure upgraded facilities from the Federal Government for the international terminal. The former Minister of Tourism and the former Minister of Transport have had a number of discussions with their federal counterparts in order to achieve that.

Visitor information is also a matter which has been taken up by the former Minister of Tourism. I know that he, through his department, on a number of occasions during the past couple of years, has attempted to get the Federal Government to allow information to be displayed in the international terminal. In fact, the Department of Tourism made inquiries about displaying things like posters on the walls and that sort of thing to give visitors some sort of information about South Australia when they arrive in Adelaide, but found that the rates that the Federal Government wanted to charge for renting the space required were so high that it was not possible to fit it into our budget at the time. So these efforts have been made.

We are continuing to have discussions with the federal aviation authorities to encourage them to reduce the rates or to give us the opportunity to display information in a reasonable way. We will continue to make those inquiries until we achieve results.

FERTILISER DUMPING

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question on fertiliser dumping.

Leave granted.

The Hon. PETER DUNN: The IAC recommended that a $70 levy be added to the price of fertiliser purchased from the west coast of America to offset what was allegedly dumping. However, on Tuesday of this week, during a radio interview, the spokesman for the relevant union, while being interviewed about layoffs in the fertiliser industry, said that triple superphosphate is now being purchased from the west coast of America for $120 a tonne, whereas it was more than $220 a tonne in 1984. This would indicate that the fertiliser companies are having a lend of the consumers. My questions are:

1. Does the Minister know if the figures quoted by the union are correct, or is the union using figures to promote its own end?

2. Did the present South Australian Government make any submission to the IAC dealing with fertiliser prices?

3. If the union figures are correct, will the Minister urge his federal colleagues to have the $70 anti-dumping fee withdrawn immediately?

The Hon. FRANK BLEVINS: I did not hear the report to which the Hon. Mr Dunn refers, so I have no way of knowing whether the figures are correct or not. I did not hear the figures and I have no knowledge of them whatsoever.

The Hon. Peter Dunn: As the Minister of Agriculture, I thought you would have been up with that.

The Hon. FRANK BLEVINS: As the Minister of Agriculture, I do not have the ability to monitor all radio or TV stations every day, day and night, to know about everything that is said. If that is a failing, then I am sorry, but that is the way I am. Maybe the Hon. Mr Dunn can sit in his tractor ploughing up the Eyre Peninsula musing on the meaning of life etc. while tuned in to the radio. It sounds quite a delightful life. I just do not have that luxury.

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: Well, whatever one does with a tractor. It is a very complex matter to establish what is dumping and what is not. There is an argument in the fertiliser industry in America that it is not dumping. It is stated that there is a world oversupply, that is the market price, and that it is horrendously low.

The Federal Government has very effective mechanisms for monitoring allegations of dumping. It has fast track machinery to get to the issue very quickly. I can only be guided by what the Federal Government says and does. It is entirely the Federal Government's responsibility, not mine. I have been amused in this debate when some sections of rural industry complain that some penalty has been imposed on this particular product. It was established that it was dumping by the proper machinery, and they want the benefits of that dumping.

A couple of weeks ago I was at an Australian Agricultural Council where one particular State was arguing very vigorously about dairy products being dumped in Australia, and that State is very heavily involved in the dairy industry. In that case, it did not want the alleged dumping. It said that it was outrageous that countries should be able to dump their products here in Australia. So the next time that I see that particular Minister from that State, I will ask him how

he reconciles his views on alleged dumping of dairy products with the alleged dumping of triple super in this country. One gets these contradictions all the time. As someone who has not really been involved as a producer in primary industry, somebody who to some extent stands back from primary industry and observes, I find these contradictions very difficult to come to terms with.

The dairy industry in this country is also concerned about the dumping of dairy products in our traditional markets. It opposes that and I do not necessarily disagree with it. If one is going to be consistent, then one has to take the other side of the coin. One cannot just have dumping that one likes and dumping that one does not like. If one is opposed to dumping, then one has to be opposed to it right throughout.

As I said, the matter is entirely one for the Federal Government. We have no mechanisms in this State to check whether things are being dumped here or not. I am happy to be guided by my federal colleagues. If they tell me that the case has been established for dumping, then I have no reason whatever to refute that.

WRONGFUL DISMISSAL CASES

The Hon. K.T. GRIFFIN: Has the Minister of Labour a reply to my question of 8 August about wrongful dismissal cases?

The Hon. FRANK BLEVINS: The reply is as follows:

1. No.

2. Whilst such long running cases are of concern, the facts are that the vast majority of section 31 cases are now being settled with much greater expedition and reduced cost as a result of the transfer of the jurisdiction from the Industrial Court to the commission. Information obtained from the Industrial Registry indicates that approximately 90 per cent of all claims are now being settled or withdrawn before proceeding to arbitration. The question of costs is a matter that needs to be kept under review, but we are concerned to ensure that those employees who have been wrongfully dismissed should not be financially deterred from seeking redress, as they may well be in an area such as this where the issues are often far from black and white. One of the purposes of the prior conciliation proceedings is to stop actions that are not well founded from further proceeding by giving applicants fair warning that costs may be awarded against them if their claim is a frivolous or vexatious one. Where a claim is not in that category the employee concerned should not be inhibited from seeking redress for what is, after all, an issue of fundamental importance to them as individuals.

3. In view of the success of the new procedures for settling unfair dismissal cases as described in the answer to question 2, the Government has no intention of returning the jurisdiction to the court.

4. The Legal Services Commission is independent of Government and any question about its operations should be asked of the Director of the Legal Services Commission.

PAROLE

The Hon. K.T. GRIFFIN: Has the Minister of Correctional Services a reply to my question of 22 August about parole?

The Hon. FRANK BLEVINS: The reply is as follows:

1. The offender was sentenced in the Supreme Court on 21 September 1983 on three counts of indecent assault and received an effective sentence of five years, with a non-parole period of two years, and a bond under section 313 of the Criminal Law Consolidation Act of two years from the expiry of the sentence. A condition of that bond is that he be under the supervision of a probation officer.

The offender was eventually released on parole on 20 February 1985 and has been subject to close supervision, being required to report weekly since then with a minimum on one contact in person per fortnight. The conditions for release set by the Parole Board included the following:

That you are not to be in any situation alone with any person under 16 years without the prior consent of the Parole Board.

This condition was seen as extremely restrictive by the Parole Board in preventing the parolee from being in a situation alone with the victims.

In March 1985, he visited the home of his sister. There were a number of children there, including the two children who were the victims. As his sister is an adult, this did not constitute a breach of his parole. The parolee reported this event to his parole officer, who then informed the Parole Board and sought a direction.

On 16 April 1985 the Parole Board included an additional condition to the parole 'that he not associate or have any contact with the victims without the prior written consent of the Parole Officer'. The Parole Officer received that information on 19 April 1985.

On 18 April 1985 the parolee visited one of the victims in the Adelaide Childrens Hospital, unaware of the additional condition of his parole. I should point out that there had been previously a close relationship between the offender and the mother of the children.

At the time of his visit:

(a) he visited at a hospital ward, in the presence of hospital staff, and therefore was strictly not alone and not in breach of his order;

(b) neither the parolee nor his parole officer had been informed by the board of the addition of a new parole condition at the time he visited.

The parole officer informed the Parole Board of the matter.

On 9 August 1985 the Woodville District Office of the Department of Community Welfare complained on behalf of the victims' mother that the parolee was continuing to harass her and her children. The alleged harassment is apparently that he drives past the victims' house daily to see his sister who resides in the same street. Extensive contact between the victims' mother and the parole officer has taken place, particularly in relation to the parolee visiting his sister. They have even negotiated an agreement with the parolee over the streets he would use to visit his sister. The parole officer has encouraged the victims' mother to report the alleged harassment to the police, who have apparently declined to intervene in this instance. However, the police are continuing to monitor the situation.

The parole officer has spent a considerable amount of time working with the other agencies to which the victims' mother has complained. Every reasonable and legal step has been taken. The Parole Board has been kept fully informed of the above events and is not considering any action for breach of parole. Representations to the Housing Trust have been made to re-establish the family in another area, as well as ongoing Department of Community Welfare support.

2. I have written to the Chairman of the Parole Board and requested that an investigation of similar offences be implemented to ensure the board is satisfied that those conditions which have been decided upon for other parolees are appropriate.

3. It is not the policy of the department to provide information on prisoners, parolees or probationers to other persons without the consent of the offender. However, arrangements are being completed between the Department of Correctional Services and the Department of Community Welfare to provide the latter with advice in advance of the

release on parole of persons committed for child abuse. Such information will be treated in the strictest of confidence and be given only to the care giver of the abused child. This will enable appropriate preventative action and support to be arranged.

MINISTER OF HEALTH

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Premier, through the Acting Leader of the Government in this Council, a question about the behaviour of the Minister of Health.

Leave granted.

The Hon. R.I. LUCAS: Last week I raised a matter of the most serious allegation that the Minister of Health had directed against the well respected management of Techsearch, which is the commercial arm of the South Australian Institute of Technology. The Council will recall that the Minister alleged that Mr Cowley, a former Director of the Health Promotion Unit, had been appointed to a senior position at Techsearch by one of the consultants with whom he had a 'cosy arrangement', using the Minister's words, when Mr Cowley was Director of the unit. The Minister further alleged that the appointment had been irregular. Last week I indicated that Mr Bob Taylor, Manager Techsearch, denied all those allegations and outlined that standard appointment procedures had been followed in Mr Cowley's appointment. I will not traverse that ground again.

In his reply to that question the Minister indicated that he wanted to take a point of order on the occasion of my asking a question, but chose not to do so because he was going to reply in detail to my questions about a question on notice later in the afternoon. The Council will remember that the answer to that question on notice had nothing at all to do with the question that I had put in the Chamber.

I am advised now that Mr Cowley is understandably furious at the Minister's behaviour on this allegation and the Minister's earlier outrageous attempt to overturn Mr Cowley's appointment at Techsearch when he contacted—and the Minister admitted contacting—the Chairman or President of the Institute of Technology Council. I understand that Mr Cowley has taken legal advice and that his solicitor has written to the Minister. In addition, I am advised that Mr Cowley has been in contact with the Premier's Department to lodge a formal complaint with the Premier about the Minister's behaviour.

It is clear that the Minister has pursued his malicious personal vendetta against Mr Cowley, and it is time for the Premier to call the dogs off (if I can use a colloquialism) and muzzle the Health Minister. Therefore, my questions to the Premier, via the Acting Leader, are:

1. Has a complaint been lodged with the Premier or his department about the behaviour of the Minister of Health on this matter, and, if so, what action has been taken?

2. Does the Premier believe that it is proper for a Minister in his Government to pursue a former employee of the Government and seek to prevent his retaining employment away from the Government?

3. Will the Premier call the Minister of Health into his office and direct him to cease his personal vendetta against Mr Cowley?

The Hon. J.R. CORNWALL: That is quite laughable. The allegation that I am pursuing a former employee is nonsense. I have explained that on several occasions. There was a very sorry story at the Health Promotion Unit which is very much on the public record. The former Director of the Health Promotion Unit was financially grossly incompetent. That is also a matter of public record since it has been pursued by the Hon. Mr Lucas and others. I cannot follow why the Hon. Mr Lucas and his colleagues keep going back to that unhappy period from 1979 to the end of 1982, which shows up the bumbling, the ineptness and the incompetence of the Tonkin Government in all its stark reality. Mr Cowley was appointed during that period. He was a favoured son of the former Health Minister: there is no question about that.

The PRESIDENT: Order! As a point of clarification—

The Hon. J.R. CORNWALL: I will clarify as much as you like, Sir, because I have been maligned by the half-smart question, and I have every right to reply to it.

The PRESIDENT: Order! I think that you have, but the question was whether you would take this to the Premier.

The Hon. J.R. CORNWALL: There were four specific questions, which were: has a complaint been lodged? If so, what actions have been taken? Does the Premier regard it as proper for the Minister of Health to pursue a former employee? I really cannot remember the fourth one, but I was responding personally to the questions about the pursuit of a former employee. That is, like all the allegations that are made in this place against me by the Hon. Mr Lucas, part of a perverted personal pursuit of me.

The reality is, as I have told the Council on numerous occasions, that it came to my notice that Mr Cowley had been employed by Techsearch, which is a company arm of the South Australian Institute of Technology. He had resigned from the Health Promotion Unit following an investigation and report by Professor Kerr-White from the United States and Mr Ron Hicks, a senior journalist from New South Wales. That report, and personal reports made to me by those two gentlemen, indicated that the financial arrangements and the general administration of the Health Promotion Unit—the creature and child, of the former Minister (the member for Coles)—had been in a dreadful mess. The senior accountant, whom we sent in from the Western Sector of the Health Commission to get some sort of filing system going—because there was none in the generally understood sense of the word—was absolutely amazed by what he found.

It came to my attention after Mr Cowley had resigned in those circumstances that he had been appointed to a position in Techsearch. The President of the Council of the Institute of Technology is also, among his many other public duties, a member of the audit committee of the Health Commission. In that capacity he would have known about the adverse reports and he would have known that the Crown Law investigator, the Crown Solicitor and the Auditor-General had all been consulted about the irregularities in the Health Promotion Unit.

I considered that he might be placed in a position of severe embarrassment. I have explained to the Council before that it was on that basis that I rang him. These questions are as scurrilous and as absurd as the general behaviour of this desperate Opposition has been throughout the past week. I will certainly refer the questions to the Premier and I will most certainly bring back appropriate replies.

WORKERS COMPENSATION

The Hon. R.I. LUCAS: Has the Minister of Labour a reply to the question that I asked on 6 August about a workers compensation 5 per cent levy for rehabilitation?

The Hon. FRANK BLEVINS: The reply is as follows:

The amounts raised under the 1982 amendments to the Workers Compensation Act were:

	$	$
Receipts—		
1982-83		9 129.09
1983-84		11 494.32
		20 623.41
Less Refunds to employees—		
1983-84	17 463.89	
1984-85	1 752.74	19 216.63
Balance paid into revenue June 1985		$1 406.78

(Employees untraceable.)

The actual operating costs for the Workers Rehabilitation Advisory Unit in its first year of operation until the 1983 amendments, which abolished the 5 per cent levy, were $87 000 compared to the estimated costs, which were $40 000.

FRUIT AND PLANT PROTECTION ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Fruit and Plant Protection Act 1968. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

It is the result of effort by industry and the Department of Agriculture to improve the principal Act (the Fruit and Plant Protection Act 1968) so that it reflects today's practices in commercial trading in fruit and plants. The original Vine, Fruit and Vegetables Protection Act was introduced at a time when railways monopolised trade between the States and when there were fewer recognised treatments of produce against diseases and pests. Surveillance of fruit and plants under a rail transport system was relatively simple because these were channelled through and inspected at a limited number of entry points to the State.

While innovations in the treatment of diseases and pests have reduced the need for exhaustive inspections of produce, developments in transport have presented other complexities. With the advent of sophisticated high payload trucks, produce can enter the State from a variety of sources and be distributed widely throughout the State.

The establishment of Adelaide International Airport has generated interest amongst Sunraysia growers in the use of the facility as an airfreight outlet to the South East Asian market. Some potential also may exist for the export of interstate produce from Port Adelaide.

The Australian Constitution is clear with regard to trade between the States and, in any event, no Government would wish to erect ill-founded barriers to exchanges in fruit, vegetables and nursery stock in view of the benefits that flow from such exchanges. The advantages of this philosophy are recognised by State authorities, who by mutual agreement are implementing plant quarantine policies that reflect present-day knowledge and technology in plant management.

While a less restrictive approach to interstate quarantine will be taken in the drafting of new regulations under the principal Act, there is a need to incorporate in the Act stronger provisions for the tracing of illegally introduced material that might carry diseases and pests and may place this State's plant industries at risk. Greater deterrents to any person contemplating such introductions are warranted.

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

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 3 of the principal Act by inserting two new definitions—'premises' and 'vehicle'. Clause 3 amends section 4 of the principal Act which provides for the prohibition by the Governor of the introduction of certain fruit and plants into the State. The effect of the amendment is to give this responsibility to the Minister. The scope of subsection (1) is widened to encompass soil in which a diseased plant has been growing, and the monetary penalty for contravention of the section is lifted to $5 000. Clause 4 amends section 5 of the principal Act which empowers the Governor to specify places through which host fruit and plants may be introduced into the State. This power is given to the Minister, and the monetary penalty for contravention is increased to $5 000.

Clause 5 amends section 6 of the principal Act which enables the Governor to establish quarantine stations. This power is given to the Minister. Clause 6 amends section 7 of the principal Act which enables the Governor to establish quarantine areas. This power is given to the Minister. The monetary penalty for a contravention under the section is increased to $5 000. Clause 7 amends section 8 of the principal Act which enables the Governor to declare notifiable pests and diseases and requires persons to notify the chief inspector on discovering a notifiable pest or disease. The power to make a declaration is given to the Minister. The penalty for a contravention under the section is increased to $5 000. Clause 8 amends section 9 of the principal Act which provides for the Minister to require orchardists to take certain measures. The penalty for a contravention of a requirement has been increased to $5 000.

Clause 9 amends section 11 of the principal Act which sets out the powers of inspectors. An inspector may enter and inspect premises where he reasonably suspects there is fruit or a plant affected by pest or disease or soil in which a plant so affected has been growing. An inspector may stop, detain and inspect a vehicle the subject of such a suspicion. In the course of carrying out an inspection an inspector may—

(a) disinfect fruit, plants, soil, packaging or other goods;

(b) require the owner of fruit or plants to deliver them to a quarantine station;

(c) remove and destroy fruit or plants affected by a prescribed pest or disease and any packaging in which they have been packed;

(d) remove and dispose of soil in which a plant affected by a prescribed pest or disease has been growing;

(e) take photographs or films.

An inspector may be accompanied by such persons as he considers necessary or desirable. A person who hinders or obstructs an inspector in the exercise by him of his powers under the principal Act is guilty of an offence, penalty $5 000. The penalty for interfering with a mark or notice erected by an inspector under the section is increased to $5 000.

Clause 10 amends section 12 of the principal Act which empowers inspectors to require certain persons to take measures in relation to the eradication of pests or disease. The penalty for contravention of a requirement under the section is increased to $5 000. Clause 11 makes a consequential amendment to section 13 of the principal Act. Clause 12 repeals section 15 of the principal Act. Clause 13 makes a consequential amendment to section 17 of the principal Act. Clause 14 repeals section 19 of the principal Act and substitutes new section 19 under which the Minister may vary or revoke a notice given by him under the principal Act.

Clause 16 amends section 20 of the principal Act, which is the regulation making power. A new power to make

regulations requiring certificates of identification of fruit, plants, soil or vehicles is inserted. The maximum penalty which may be imposed for breach of a regulation is increased to $1 000.

The Hon. PETER DUNN secured the adjournment of the debate.

NATIVE VEGETATION MANAGEMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The aim of this Bill is to separate the existing vegetation clearance controls from the planning system, provide for the management of areas retained from clearance, and provide for financial assistance to landholders refused approval to clear native vegetation. Controls on the clearance of native vegetation in the agricultural regions of the State were introduced by regulation under the Planning Act, 1982, on 12 May 1983. There has been a widespread, bipartisan acceptance of the need for controls (over 80 per cent of the native vegetation in the agricultural regions having now been cleared), but some aspects of the legislative and administrative arrangements, and the absence of any readily available financial assistance for those disadvantaged, have produced a divisive controversy, culminating in late 1984 in a successful challenge to the controls before the High Court of Australia.

In the wake of the High Court judgment, the controls have been maintained by a suspension of sections 56 (1) *(a)* and *(b)* of the Planning Act, but the suspension will expire on 31 October 1985. In view of this, a select committee of the Legislative Council was set up on 6 December 1984 to take evidence and report on the legislative, administrative and compensation aspect of the controls. More recently, officers of the United Farmers and Stockowners of South Australia Incorporated and the Department of Environment and Planning have negotiated an agreement, the principles of which have been accepted by the Government and embodied in this Bill.

The Bill provides for control of clearance in a manner similar to that already existing, but decision making on all applications will become the responsibility of a five member Native Vegetation Authority. The authority will comprise one nominee from the United Farmers and Stockowners of South Australia Incorporated; one from the Nature Conservation Society of South Australia; two ministerial nominees with one having expertise in conservation and one in agricultural land management; and a Chairman, being the Chairman of the South Australian Planning Commission. The authority will have exclusive responsibility to make decisions on all applications, but with the power to delegate.

Landholders refused approval to clear native vegetation will become eligible for financial assistance, as long as they agree to enter into a Heritage Agreement providing for the on-going management and conservation of the vegetation retained. The assistance will take two forms: firstly, payment will be made to cover any decline in land value as a result of the controls; secondly, assistance will be made available to landholders to fence and manage areas retained from clearance. To minimise the cost to the State in any given year, most of the payments will be made as annual instalments over an average period of 10 years. Interest will be paid with the instalments to offset inflationary effects over time. Similarly, the cost of fencing will be spread over a period of time, with areas receiving attention on an assigned priority basis.

Financial assistance will be made available only where a landholder is required to retain native vegetation over and above an area equivalent to 12½ per cent of the holding, and the land in question must have been acquired prior to 12 May 1983. Any land not capable of management for permanent agriculture if cleared will also be excluded from payments. Highly significant areas of land refused clearance approval may be considered for acquisition by the National Parks and Wildlife Service. The Bill also provides for the establishment of a Native Vegetation Advisory Committee of eight members. The committee will advise the Minister on policy matters and will have a membership reflecting rural, environmental, local government and hydrological interests. One of the members will also be a member of the Native Vegetation Authority.

The Bill is the outcome of much detailed discussion and negotiation between a range of interested parties, and it is gratifying that a consensus has been reached. At the same time, a number of the provisions of the Bill are novel, and there is a need to monitor closely their effectiveness once the Act is in force. To this end the Government has (whilst not including it as a formal provision of the Bill) agreed to a review of the first 12 months operations of the Act to be carried out by a working party made up of officers from the United Farmers and Stockowners and the Department of Environment and Planning with the introduction of this Bill, I am confident that a new and favourable climate has been established for native vegetation retention and management throughout the agricultural regions of the State. I commend the Bill to the Council.

Clauses 1 and 2 are formal. Clause 3 provides definitions of terms used in the Bill. Clause 4 gives the Governor power to exclude parts of the State from the operation of the Act by regulation. Clause 5 provides that the Crown will be bound. Clause 6 provides for the establishment of the Native Vegetation Authority. Clause 7 provides for membership of the authority. Clause 8 provides for proceedings at meetings of the authority.

Clause 9 preserves the validity of acts of the authority and protects members from personal liability. Clause 10 prevents a member from participating in a decision of the Authority if he has an interest in the matter under consideration. Clause 11 provides for remuneration and expenses of members. Clause 12 sets out the authority's role in advising the Minister. Clause 13 is a delegation provision. Clause 14 provides for the appointment of a secretary and other staff. Clause 15 provides for the preparation and tabling before Parliament of an annual report.

Clause 16 establishes the Native Vegetation Advisory Committee and provides for its membership. Clause 17 sets out the functions of the committee. Clause 18 makes available to the committee the services of Government departments. Clause 19 is the principal offence provision in the Bill. The maximum penalty that may be imposed is $10 000 or, where the number of hectares on which an offence occurs is greater than 10, the maximum penalty increases in proportion to the area involved. Clause 20 sets out circumstances in which native vegetation may be cleared. Subclause (2) provides that only the owner of land on which the vegetation stands may apply for clearance. Subclause (4) prohibits clearance of native vegetation from land that is subject to a heritage agreement unless the vegetation is cleared in accordance with the agreement.

Clause 21 sets out a number of general provisions. The authority must, when considering an application for consent

have regard to the development plan. Conditions imposed on consent bind subsequent owners as well as the owner who obtained the consent. There will be no appeal from a decision of the authority. However, where an application has been dealt with by a delegate of the authority the applicant may, if he wishes, make the same application to the authority within three months after the delegate's decision and, in that case, the authority must hear and determine the application itself. Clauses 22 to 25 set out enforcement provisions similar to those in the Planning Act 1982. Clause 26 provides definitions of terms used in Part V.

Clause 27 sets out the basis on which landowners will be entitled to payments to compensate them for the reduction in the value of their land resulting from a decision of the authority. The owner must enter into a heritage agreement in the form in the second schedule or in any other form agreed with the Minister. Subclause (4) sets out circumstances in which payment will not be made. Subclause (5) provides for reduction in the amount payable if the land is owned by a number of co-owners some of whom acquired their interest in the land after 12 May 1985. Clause 28 provides the basis for assessing the amount to be paid. The formula in subclause (2) reduces the payment by a proportion that is equal to the proportion that 12.5 per cent of the holding bears to the land in respect of which payment is made.

Clause 29 provides for assessment by the Valuer-General of the amount payable with a right of appeal to the Land and Valuation Court. An owner considering entering into a heritage agreement may request the Valuer-General to give him an estimate of the amount of the payment that he will receive. Clause 30 provides for the manner of payment and for the payment of interest. Clause 31 provides for inspection of land and empowers a member of the authority or a person authorised by the Minister to require an offender to state his name and address. Clause 32 is a regulation-making power. The first schedule sets out transitional provisions. Clause 5 will enable a landowner who was refused planning approval to clear native vegetation under the Planning Act, 1982, to claim a payment under this Act. Alternatively, he can apply for consent under this Act in respect of the vegetation to which the previous refusal related. The second schedule sets out the form of heritage agreement.

The Hon. M.B. CAMERON (Leader of the Opposition): In order to show that we are a cooperative Opposition, I intend to speak to this matter immediately. I suggest that, because of the somewhat urgent nature of this issue, the issue of compensation and the need to clarify the position of people in the community who have been affected by the planning controls that have been exercised until now, this Bill should pass all stages today. The Opposition is certainly prepared to cooperate in that regard. I do not intend to speak at great length, but I will raise a few issues and say a little about the select committee and how the matter has been resolved.

As members will be aware, the issue arose following the institution of controls on the clearance of scrub. Unfortunately, much anguish was caused in the rural community as a result of the manner in which the controls were implemented. I know that you, Mr President, took up this matter vigorously and that it was drawn to your attention on a number of occasions; in fact, it was as a result of your negotiations that this stage has been reached. The background behind this matter involves a long story, and I am sure that members do not want me to go through it chapter and verse. However, I am sure that the farming community is grateful for the action that you took, Sir. Similarly, the Hon. Mr Milne has displayed a very responsible and sensitive attitude towards this issue; he has demonstrated a very keen interest and taken it on himself to investigate this issue on Kangaroo Island and in other areas where matters were brought to his notice. I express my gratitude to the Hon. Mr Milne, and I am sure that same gratitude will be expressed to him by the farming community, given the honourable Mr Milne's very sensible attitude.

Members of the select committee decided that, rather than speak to the motion to note the papers, we would express our views when the Bill (which is really a result of the select committee) came before the Council. Initially, it was one of the worst select committees of which I have been a member—not in terms of my fellow members, but in terms of the nature of the evidence presented. However, we have a happy result indeed and one that I certainly appreciate.

However, there are—and I suppose there always will be—some people who are not happy with the end result. I am quite certain that the best of all worlds has been arrived at, that is, that the native vegetation that should be retained will be retained, and the native vegetation that is not required will not be retained. However, people who are required to retain vegetation will receive compensation for the loss of use of their land. That is really what it amounts to.

People were required to retain at their own expense all vegetation until the passage of this Bill and its proclamation. In some cases, as members would be aware (and certainly members of the select committee are aware), that has led to some very grave financial situations indeed for members of the farming community. It was sometimes distressing, as a member of the select committee, to go through the cases, one after the other, where people were left in the most difficult financial circumstances. People had purchased land with the intention of clearing it but found suddenly (within three weeks in one case) that they had absolutely no control over that land. They could not sell the land because, as it could not be cleared, no-one wanted it; and, because they borrowed money to buy the land, they were still required to make interest payments.

It is absolutely essential that people are placed back in the position that they were in prior to May 1983 so that they are not left financially disadvantaged even as a result of the interest payments that they have been required to meet over the past two years. Members of the farming community will be required to retain 12.5 per cent of their land in its natural state at their own expense. Frankly, as a farmer, I think that is fair enough. The majority of the evidence presented to the committee favoured 10 per cent retention. I would have thought that that was sufficient. However, 12.5 per cent was agreed between the United Farmers and Stockowners Association and the Department of Environment and Planning. On the majority of farms that area would certainly be reasonable to provide shelter, and so on.

Being a farmer myself, I wish that someone in the past had retained 12.5 per cent of the scrub on my land because, as is well known, I live in the South-East, and there is no colder place in Australia during winter. My stock and I would be grateful for a bit of shelter during winter. I can assure members that natural shelter is a very expensive item on a farm, particularly when a disaster such as Ash Wednesday removes it before it can provide any benefit. However, that is another matter.

The select committee was chaired by the Hon. Mr Chatterton. I indicate my gratitude to the Hon. Mr Chatterton for the manner in which he chaired the committee and for his very reasonable attitude during the hearings. The same goes for the Hon. Mr Creedon and the Hon. Mr Feleppa: they certainly took into account all the submissions that were put before the committee. No member of the farming

community, or any other person who came before the committee, could say that they did not receive a fair and reasonable hearing. The Hon. Peter Dunn obviously had a very keen interest and a lot of knowledge about the issue. In fact, he took it on himself to investigate interstate, which was of considerable benefit to the committee.

As I have said, it is a very difficult area. The select committee reached certain conclusions about some officers. I will not canvass that issue again, because it was clearly canvassed, first, by the committee and, secondly, in its report. I believe that the select committee has been more than frank about the issue. It is absolutely imperative that officers of the Crown, when dealing with the community, show a sensitive attitude and some understanding when they deal with people's assets as well as when dealing with people in all other ways.

It is essential that public relations form part of the approach of officers to members of the community. I repeat the little comment made in the report, that some officers clearly need retraining in this aspect of their work and need to be made aware of the fact that sensitive handling of people is a very important area of the work of a public servant. The very words 'public servant' ought to bring that to mind; they have not always done that, but need to do so in the future.

I am sure that the Minister has read the select committee's report, and will take into account the views that we have expressed about officers of the department and will take action where appropriate so that from now on when members of the farming community meet an officer of the Department of Environment and Planning they will do so as a friend and not as a potential enemy coming on to the farm to do them some damage. The fact that compensation will be paid is a big start towards that, but that is not sufficient: there also needs to be a sensitive attitude expressed by the people concerned on both sides. All farmers are not perfect; I am not saying that—some of them bring problems on themselves. However, other farmers did try in this case to be reasonable and felt that that reasonable attitude on their part was not matched by the other side.

It is with pleasure that I support this Bill. It could well be that there are some problems with the legislation, but the Minister has indicated that it and the way it is being managed will be reviewed in 12 months. I indicate that after the next election the incoming Liberal Government will do the same thing. We will honour the commitment given by the Minister for Environment and Planning. We will ensure that the legislation is fully reviewed and that any faults that appear in the system are ironed out, because it is, after all, pioneering legislation. It was an interesting select committee because of the opponents in this issue getting themselves together, deciding on a course of action about which they kept us informed, and bringing together the Bill now before us.

It does not have everything that the select committee might have wanted, if we had done it on our own, but we were prepared to take into account that a reasoned attitude was arrived at between the two sides and we were prepared to advise this Council that we would support that view and ensure that the matter received a prompt passage through the Parliament. I repeat that I appreciate the role you played, Mr President, in ensuring that the Government was prepared to listen to the cries of the farming community about this matter.

The Hon. Mr Chatterton and other members of the committee were prepared to take this matter seriously and to attempt to find a solution to what had become a grievous problem. I trust that the Department of Environment and Planning will, from now on, be considered a friend and not an enemy of the farming community, that some of the harsh attitudes that had developed will disappear, and that people will work together for the betterment of native vegetation and other environmental problems in this community.

The Hon. B.A. CHATTERTON: As the Hon. Mr Cameron has said, the select committee considered this whole question in great detail and took much evidence, coming up with, I think, a very satisfactory report. I do not want to cover that ground because the Hon. Mr Cameron has mentioned the work of the committee and the agreement reached between the Department of Environment and Planning, the United Farmers and Stockowners and other people interested in this matter so that we could get together a package of compensation and a new authority to deal with native vegetation.

The matter I now take up is looking a little further into the future as to how we will manage the native vegetation that is retained. The select committee had the task of looking at current legislation and the current controversy over planning permission. It was not the committee's job to look into the future to ascertain how the vegetation retained under this legislation should be managed. I think that that matter raises some problems. It is quite a new concept (perhaps not completely new but new on this scale) to have native vegetation on private farms.

There is, of course, the need to balance the interests of how a farmer wants to run his or her farm and how the Department of Environment and Planning wants this native vegetation retained. We will have a new science of farm conservation and new methods and techniques of trying to reconcile the two sometimes conflicting aims of farming and conservation. It disappointed me that the Department of Agriculture, which has traditionally taken an interest in the farming side of matters, did not appear before the committee and did not discuss these matters with it because I think its views would have been of great interest in terms of how this vegetation that will be retained could be incorporated in a total farming management program.

I think that that is something that must be resolved by this authority and its officers—how they can work closely with farmers to make the whole scheme work at a practical level while making sure that there are no conflicts between the bureaucracy and the farming community. Unfortunately, there has been conflict in the past. We want to make sure that this does not happen in the future. One way to achieve this, I believe, is to decentralise the management of the department.

I am sure that, if farmers can get prompt decisions from the new authority, that will make things a lot easier. It will certainly be a lot easier than it would be if they had to refer queries to Adelaide to a centralised organisation every time they wanted a decision. Even if the department is decentralised, there will still have to be a reasonable amount of give and take on both sides to make the scheme work and to ensure that the vegetation being retained is conserved so that we can maintain this heritage while not imposing unnecessary or pernickety sorts of burdens on the farming community.

I believe that the report of the select committee and the legislation that has flowed from it provides an opportunity to get this whole scheme working properly. I hope that there is sufficient goodwill on both sides to make the scheme operate effectively. I support the Bill.

The Hon. PETER DUNN: I support all that has been said by the previous two speakers. We have heard from the Hon. Mr Cameron how the committee worked and from the Hon. Mr Chatterton how he would like to see things happen. I agree wholeheartedly with what they have said. I

will now focus on why it was necessary to go to the lengths that we did to come up with what I believe is a bipartisan effort on behalf of this Chamber in an attempt to resolve an issue that could have become very sticky indeed.

In fact, it did get to the very sticky stage. However, I think that it will be resolved to the betterment of the environment and to the benefit of farmers. In May 1983 a booklet was put out by the Government after the vegetation clearance regulations were introduced. At that time the regulations were not properly aired in the Parliament. When regulations are added to an Act there often is a problem. All members know that regulations are necessary but, when the regulations are as significant as these were, it is important for them to have a thorough airing. The mere fact that there is now a Bill justifies that. The booklet states:

Why are clearance controls necessary? Native vegetation in the agricultural regions of South Australia is a declining resource of increasing value. Over three-quarters of the vegetation which occurred in these regions before European settlement has now been cleared—a far greater extent than any other State of Australia.

I, and everyone else, will agree with that. However, there are reasons for it. One is that, fundamentally, this nation is a grain growing nation, and that means that the country must be cleared. The booklet continues:

Without controls, continued clearance will inevitably lead to a potentially unstable and ecologically impoverished landscape.

I do not necessarily agree with that. The booklet continues:

Already, the extent of clearance has resulted in a disastrous loss of wildlife habitat throughout the agricultural regions... The controls will not amount to a prohibition on further clearance, but will ensure a reasonable balance is achieved between the respective needs of agriculture and conservation.

That is exactly what happened. Many people were prohibited from clearing vegetation and they thought that they were being severely dealt with. At least now those people will be able to have their cases reasonably heard. If they feel hard done by, they will be compensated for it. The booklet continues:

Why not acquire all remaining scrub areas? Acquisition is expensive, both in terms of initial cost and ongoing management expenses and must therefore be selective and apply only to the most important areas.

This Bill does not become selective. Everyone who has to retain over and above 12½ per cent will be eligible for compensation if the community—and that is the Department of Environment and Planning—deem it necessary to retain that vegetation for the betterment of the State. This booklet was freely distributed to every farmer who applied to clear native vegetation. The booklet explained what the regulations were about. The booklet continues:

Vegetation clearance is now prescribed as a form of development which requires the consent of the South Australian Planning Commission. The commission may give consent with or without conditions or may refuse consent.

As a result of that, the Planning Commission became the butt of hard and harsh words from the rural community, and that was a pity. The Planning Commission is necessary for land management in this State, particularly the city. The commission's name was dragged through the mud because of its intractable attitude and because this booklet was associated with the commission. The commission had the job of determining how and how much vegetation would be cleared. One criterion in this booklet stated:

If for some reason the commission is unable to finalise a decision, the application is technically deemed to be refused.

Farmers felt that that was a harsh criterion. There were some 1 500 applications all told, and those applications were dealt with slowly. Most applications were hard and involved, and many people felt that their applications had been refused even though they went back to the commission and asked how far down the track their applications were.

One must understand that when people wish to clear agricultural country this clearing must be carried out during winter, because it is far better to log or roll scrub during those months because most of the stumps come up with the vegetation. The amount of work saved is considerable if clearing is done during winter. This booklet said that there would be a great delay in attending to applications. Sometimes, because of the delay, farmers felt that the applications were being refused. The Bill will rectify that situation. In relation to the criteria used in the regulations of 1982, the booklet states:

... the South Australian Planning Commission will be guided by principles outlined in a supplementary development plan dealing with vegetation clearance.

If one goes to a rural area and asks the people what a supplementary development plan is, they hang their heads and do not understand what it is. They think that it is something attached to a town, local government or city and they feel that they are being imposed on by someone outside. The booklet continues:

The aim will be to ensure that any clearing is carried out in such a way that areas of conservation significance or representative samples of significant areas are retained.

The Bill will effectively do precisely that. The booklet continues:

... the commission will consider the importance of the vegetation as a habitat for wildlife; the presence of rare or endangered species; the value of the area as a wildlife 'corridor' or 'stepping stone' linking larger vegetated areas; its historical value as a remnant of former vegetation types; and its amenity value to the district. In all cases the council will be consulted with regard to the clearance application. In addition, such organisations as E&WS, ETSA, Department of Agriculture, and Department of Lands, will be consulted where appropriate.

That did not happen. The Hon. Mr Chatterton said that he was disappointed that the Department of Agriculture did not make a submission.

The Hon. B.A. Chatterton: It made a submission, but did not appear.

The Hon. PETER DUNN: I correct that. The department made a submission but did not appear before the select committee. I believe that the reason for this is that it was totally left out of the decision-making and the processes used for determining what areas should or should not be cleared. I think that the department felt as though it was a bunny in the whole process and was being used for the benefit of the Department of Environment and Planning. I do not believe that other authorities named in this booklet were used, either.

However, I believe that that is covered in the new Bill, and that representatives from all those authorities are on the committees. I believe that the Bill covers all the problems covered in the booklet, about which the community was concerned. It was a pleasure to work under the chairmanship of the Hon. Mr Chatterton. He was very fair and reasonable and did a lot of work in preparing the select committee report, and I thank him for that. The committee received an enormous number of submissions and talked to many people. All the information it gained went to make up this Bill, which was drawn up after consultations between the Department of Environment and Planning and the United Farmers and Stockowners.

I believe that it was the select committee that acted as the catalyst to make them do this. It takes the Bill out of the Department of Environment and Planning and sets it up on its own. I think that is very necessary for something as significant as this. It will not be a cheap operation for any Government. It will be rather expensive, but I believe that the expense will be justified, in the long run.

The Hon. Diana Laidlaw: Justified?

The Hon. PETER DUNN: Yes, the expense will be justified, because I believe we will retain that vegetation that

is so necessary that everyone talks about and to which some people have been giving lip service. I believe the result will be that there will be more vegetation left in the country.

The Bill will be reviewed in 12 months. Therefore, we need not go into it in any detail or at any great length. However, I must say that I look forward to 12 months' time when we will see the whole operation working much more smoothly than it has done in the past. So, Mr President, it is with great pleasure that I support the Bill.

The Hon. K.L. MILNE: I was informed at lunchtime that this Bill would be introduced but not voted on today, so I am sorry that we are doing this. I know the reasons for the delays since the problem arose, and I will do my best with it. I was considering some amendments arising from the Local Government Association letter of 29 August 1985 affecting the Heritage Bill, but could affect this one. I hope that those interests will be protected in the debate on the Heritage Bill.

No-one—neither the Government nor anyone else—could have foreseen just how bad the administration of this legislation would turn out to be. What we all should have realised, and in particular the Department of Environment and Planning should have realised, including the Minister, much sooner than we did was that something was drastically wrong, that grave injustice was being done, that the farming community was being alienated and that drastic action was needed. Looking back, it was clearly impractical and unfair on both sides to place the responsibility for the implementation of the scheme in the hands of a Government department staffed largely by young academics dedicated to conservation and with little or no first-hand knowledge of farmers, farming and the importance of food production. This created distrust and antagonism right from the beginning, and that was obvious. The other main mistake was for the Government to decide that, come hell or high water, there would be no compensation. This Council will recall that my colleague, the Hon. Ian Gilfillan, on behalf of the Australian Democrats, introduced a Bill for compensation as far back as April 1984. This failed, but it should have been a warning to us.

After a visit to Kangaroo Island with the Minister, my colleague persuaded him that hardship cases—that is, undue hardship—existed, but not enough was done under the heading of undue hardship. Anyway, all that hopefully is now history. The Legislative Council has shown once again that it can rise above Party politics and make decisions on what is right rather than who is right (and, to be fair, so has the Government). I think that we would all agree that the discussions between the Department of Environment and Planning and the United Farmers and Stockowners, which were really negotiations between the Government and the farming community, were for the good of the State. I think that one of the most pleasant things that came out of the select committee's presence and deliberations was the fact that those two major interests were able to get together.

I would like to pay tribute to the people of Kangaroo Island who played a significant part in bringing this matter to the present stage. I was invited to Kangaroo Island to hold discussions with groups of farmers, irrespective of Party allegiance. It was in no small measure this decision to cross Party lines that allowed the select committee to be set up. I applaud and thank most sincerely the leaders of both the Opposition and the Government for supporting my resolution. That meant that the select committee started off as a team, and this proved to be very important. I would like to thank the Hon. Mr Cameron for his kind remarks in his speech earlier today. I would like to congratulate the Hon. Brian Chatterton on the way in which he took the Chair. He was patient, courteous, fair, firm and very capable on rural matters. I think we would all agree that we had the right man in the right place. Also, I would like to say how valuable it was that all members did their utmost to try to understand, first, the problems and then to find the answers.

We would all like to thank the witnesses who appeared before the committee, many at considerable inconvenience and expense. The three outstanding groups, in my view, were those representing, first, the UF&S—a very valuable contributor indeed—secondly, the Department of Environment and Planning which never lost its calm and went to an immense amount of trouble to produce information; and, thirdly, the Conservation Council which realised that a compromise was the only answer, and found it. I sincerely hope that those groups will be satisfied with the result.

There are parts of the draft Bill which I feel should be reconsidered at some time in the near future. For example, I think that it was a mistake to make the presiding officer of the authority the same person as the Chairman of the Planning Commission, first, because we have all agreed that native vegetation management is a very special kind of planning, requiring a quite different attitude to that needed in the metropolitan area and, secondly, because his performance so far, according to many witnesses, has been particularly harsh.

While I applaud the concept of a native vegetation advisory committee with direct access to the Minister, I feel that it might be wise to ensure that the authority is notified if and when that right is exercised. Otherwise, the two bodies would tend to distrust each other. I instinctively dislike the idea that there should be no right of appeal. The authority may appeal to the local court where a person will not comply with an order and the farmer may defend his or her case. But that is not the same as having a right to initiate an appeal, and that is what I believe the situation to be.

I am very pleased that the Government has included payment of compensation for up to 10 years, where agreed upon and appropriate. This will undoubtedly assist the whole scheme. When I first mentioned the idea, it was felt that it would be too difficult to administer, but I am very pleased indeed to see that this arrangement is now defined in what I consider are very fair terms. I am sure that it will assist both the individual and the State Treasury, particularly in large compensation cases.

I am also pleased to see that some of the financial burden of the vegetation management is to be shared by others in the area whose land has been completely cleared or all but 12½ per cent has been cleared. This is to be done by adjustment of local government rates. I have understood for quite a time that the Local Government Association does not approve of this method, but it seems to be the only fair one with which we can come up. We examined income tax adjustments and low interest loans, but neither of those schemes would have worked. I am sure that the rate system is well worth a try, on the same principle as that applied to insurance companies by Queen Elizabeth I who, when opening one of the early companies, said, 'May the loss light easily upon the many instead of heavily upon the few.'

The problem with this—and I can see it from the point of view of the Local Government Association letter to which I referred earlier—is that it is expressing its grave concern at the impact of the legislation on some of its members. The amount of land to be retained will vary greatly from council to council. Therefore, there should be something in the legislation to provide protection for the Local Government Association or the Minister, or both. The committee stated that it believed this method to be the fairest of the methods examined, but it did not get around to consultation with local government. The State Government has not got

around to it either. There will be further difficulty before the method is implemented. I suggest that this Council should keep an open mind about what protection should be afforded to local government.

I would have liked more time but, if it is going to be pushed through today, there is nothing I can do about it. However, I give warning that this provision will cause trouble unless individual councils have some protection and an opportunity of working out a scheme, involving groups of councils—perhaps consortiums of councils. Just as the volume of land which is not permitted to be arable—for which the farmer has paid and which is an expense to the farmer, who has to be encouraged to look after it properly—will vary from property to property, so the burden of council rate remissions will fall more heavily on some councils than on others. It may well be that the greatest burden will fall upon one of the small councils which would not be in a position to bear it. I implore the Government to look at this matter and to introduce amendments, if necessary, once local government has been consulted properly. Now that the problems have been diagnosed and solutions are being worked out, both in legislation and on the land itself, I trust that we can look back and truthfully say that what appeared at one time to be the development of one of the most divisive and tragic crises ever seen in South Australia was averted by cooperation and understanding, and that as much as possible of the native fauna and flora was saved for posterity.

The responsibility now rests on the way in which the new authority is to be administered. Obviously, it will need more staff. It advised us that that would be the case, and the committee agreed. Staff need more training and more help. It is now up to this Parliament to see that all these needs are met. I support the motion and I look forward to further discussion and debate on this matter once the Act has been put into operation.

The Hon. J.R. CORNWALL (Minister of Health): I thank members for their contributions and indicate that I am anxious that the passage of the Bill be expedited in view of the very good work that has been done by almost all parties concerned.

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—'Delegation of powers and functions.'

The Hon. ANNE LEVY: This clause deals with the power of the authority to delegate its powers under the Act, especially its authority, to local councils, but those councils cannot delegate that power further without receiving approval from the authority.

Concern has been expressed to me about the power of councils to control roadside vegetation, which presently occurs and, when this Bill becomes law, the power to control vegetation clearance is likely to be delegated to local councils in a number of areas.

I understand that concern is expressed in some quarters that the power in regard to roadside vegetation clearance might be delegated to local councils which might abuse that power and clear certain roadside vegetation. As is acknowledged by many people, both within and without the conservation movement, roadside vegetation can have an extremely useful conservation function in providing corridors, particularly for fauna, to pass from one area of vegetation to another. I understand suggestions have been made that the power of the authority to delegate to local councils the responsibility for roadside vegetation clearance may be dependent on local councils agreeing to abide by the guidelines that have been issued relating to roadside vegetation.

If a local council is not willing to abide by such guidelines on roadside vegetation, the authority may not delegate to it the power to have responsibility for roadside vegetation. This does not appear in the Act and will be a matter for the authority itself to determine. I thought it worth mentioning to have it on the record that such condition for delegation is likely to be considered by the authority with regard to the control of roadside vegetation.

The Hon. M.B. CAMERON: There was some tentative thought about that matter: it was canvassed, and I understand the Hon. Ms Levy's concern. One of the problems with fauna is that they not only provide corridors up and down the roadside vegetation but tend to use them to cross in front of vehicles, but that is no reason to wipe out all roadside vegetation.

The Hon. Anne Levy: I am thinking of lizards and little things.

The Hon. M.B. CAMERON: Yes, I understand, but unfortunately not all fauna are little things. As the Chairman would know, they can be pretty big. The other problem which arose and which causes a lot of concern is that some councils are irresponsible about roadside vegetation; others are not. Some are so responsible that they have created problems. I do not want to canvass the problem of Ash Wednesday again, but I assure the honourable member that on that day a number of problems arose for wives of farmers because the roadside vegetation ensured that the roads turned into ovens. In one place it was so hot because of both sides of the road being covered continuously with roadside vegetation that the limestone on the road turned to powder and there were a number of nasty incidents. That is no reason to wipe everything out, but a lot of careful thought must be given to providing areas of safety, even on roadside vegetation, for that other species called humans.

I do not want too much delegation to local government in the matter of native vegetation. I have very severe reservations about that, and I trust that the authority would not delegate too easily and, when it did, would lay down very careful guidelines and, if they were not adhered to, that delegated authority would be immediately removed. In other words, I anticipate that the authority would be very responsible in what it does with this delegated authority.

The Hon. ANNE LEVY: I certainly endorse some of the remarks that have been made by the Hon. Mr Cameron. We hope that the authority will be very careful in its delegation powers. I raised this matter, particularly, because whilst the Hon. Mr Cameron quotes an example one way I can quote examples the other way. I was shown only a couple of weeks ago an area of roadside vegetation that had been cleared and thoroughly degraded by a local landowner, who had rung the council and said, 'I am making a new dam. I have a bit of fill to spare. Would you like me to put it on the road?' Without any investigation, on the spot the council authorities said, 'Yes, go ahead.'

The result was the complete devastation of a large area of roadside vegetation on both sides of the road, without any consideration for the principles of conservation, without benefiting the road and to the utter despair of the landholder outside whose place this occurred. His fences were damaged. The vegetation, which had provided a complete screen for him from the road, was completely removed so that the privacy of the backyard of his home was utterly destroyed, and it was a prime example of what should never happen.

The ultimate responsibility for it must lie with the council, which, in such a cavalier fashion, gave permission for this to happen in response to a brief telephone call. For this reason, I raise this point and hope that the native vegetation authority will pay particular attention to matters such as

roadside vegetation so that events such as I have just described do not occur in future.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—'Native Vegetation Advisory Committee.'

The Hon. K.L. MILNE: I said in my speech that I thought that it would be wise that the Native Vegetation Advisory Committee, by its very nature, should not be in the position to give advice to the Minister that was not known to the authority itself. Given time, I would like to draft an amendment along the lines that when the advisory committee had decided to approach the Minister or when the Minister had approached the advisory committee the authority should be notified. Otherwise, we will have the authority trying to administer the Act and the advisory committee giving advice without the authority knowing about it, and it would cause untold trouble.

It should have direct access to the Minister, but it would be wise for it to be required to notify the authority of what its intentions are. Likewise the other way around: when the Minister intends to get advice from the advisory committee, he should notify the authority. I see no harm in that: it does not do away with the rights of either the advisory committee to go to the Minister or of the Minister to go to the committee. However, I have not had time to design an amendment. Can we come back to this one?

The CHAIRMAN: The clause could be postponed and taken into consideration after the last clause.

The Hon. J.R. Cornwall: If the Hon. Mr Milne looks at clause 16 (4) he will see that that point is taken care of.

The Hon. M.B. CAMERON: I support that point of view. I understand what the Hon. Mr Milne is saying, but he is also perhaps not understanding the nature of the committee. It is an advisory committee to the Minister which in fact already exists. It has been around for some time. The Bill makes it open knowledge that such a committee exists. The Minister has received advice, although I must say that he does not always accept it. I looked at the crossover between the advisory committee and the authority, and I am certainly satisfied by having a member of the committee also as a member of the authority.

The Hon. K.L. MILNE: I have a distinct feeling that I do not have the numbers.

Clause passed.

Clauses 17 to 19 passed.

Clause 20—'Clearance of native vegetation.'

The Hon. ANNE LEVY: I think this is the appropriate clause to raise another point for the record. It has been suggested that the authority may well feel that there are certain areas of the State where the clearance of native vegetation has already been so extensive that no further clearance of the little remaining native vegetation should occur. I am sure that many members of the UF&S would agree with that. If the authority could make it known that such areas existed, by either pronouncement or in some other way, it would prevent time consuming applications being made because landholders would know that in certain parts of the State no applications for clearance would ever be agreed to. Landholders would not make applications in those areas, and that could increase the efficiency of the authority and save a great deal of time and effort on the part of landholders. The only question remaining would be the amount of compensation to be paid in the various parts of the State.

Certain people have suggested to me that the authority should have power to declare certain areas of the State inviolate in this regard. It seems to me that it is quite unnecessary to legislate for this by amendment. The powers of the authority enable it to make such declarations, and I am sure that will be well received by virtually all members of the community. The authority's existing power enables it to make declarations, thus avoiding delays and inefficiency.

The Hon. M.B. CAMERON: I will not delay the Committee, but I simply rise to put my view on the record. I understand the sentiments behind the Hon. Ms Levy's comments. I do not mind that being a policy within the department, based on certain information. However, I think there should be an option in relation to individual cases. There can be quite useless vegetation growing on a property, and the clearance of that vegetation might help an individual farmer who is having a real problem with his farm.

It might be that the authority says that that is just a waste of time because it has gone so far. I do not mind that being a policy direction of the authority, but I would be very concerned if we got to the point of proscribing. I think we will find that, once the authority lays down a policy, that will save a lot of time, because individual farmers in an area will still have to go through that process.

The Hon. B.A. CHATTERTON: One of the things that the select committee looked at in some detail is that there is a practical problem here as well as the other problems raised by the Hon. Mr Cameron. The practical problem, in the view of the select committee, is that we would have certainly liked to see a whole series of regional plans that ranked the value of native vegetation. That regional plan may well have come to the conclusion that in certain areas the vegetation was so valuable that it would be virtually impossible to clear anything.

The practical difficulty is that the work needed to establish these regional plans is such that all of the applications probably will have been dealt with by the time the regional plans are drawn up, so the authority will be forced to deal with the applications it has in front of it at the moment and by the time it has dealt with all those applications a regional plan will be redundant, because there will be very little native vegetation left outside that has not been applied for.

The Hon. ANNE LEVY: I appreciate the points raised by the last two speakers and would not in any way suggest any amendment to the legislation. However, it seems to me that within the powers of the authority they certainly have the ability to make broad policy statements in this regard, and that while this is within their powers they may well consider doing so or taking such practical steps along the way. I raise this matter because it has been raised with me by several people and it seems that the record of this debate should acknowledge this as a policy option for the authority.

Clause passed.

Remaining clauses (21 to 32), schedules and title passed.

Bill read a third time and passed.

SELECT COMMITTEE ON ARTIFICIAL INSEMINATION BY DONOR, *IN VITRO* FERTILISATION AND EMBRYO TRANSFER PROCEDURES IN SOUTH AUSTRALIA

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

That the time for bringing up the report of the select committee be extended until Thursday 31 October 1985.

Motion carried.

SELECT COMMITTEE ON THE CHURCH OF SCIENTOLOGY INCORPORATED

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

That the time for bringing up the report of the select committee be extended until Thursday 10 October 1985.

Motion carried.

MENTAL HEALTH ACT AMENDMENT BILL

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

That the time for bringing up the report of the select committee on the Bill be extended until Thursday 10 October 1985.

Motion carried.

STOCK DISEASES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 478.)

The Hon. PETER DUNN: This is a short Bill which brings the principal Act and regulations in line with new technology. For some time the Stock Diseases Act has dealt with breeding by artificial insemination, a well-known practice today. It is used to make full use of high grade stock and to distribute the benefit of their genes rapidly through an animal species.

This Bill embraces the new technology of embryo transplantation, which is being used (although still a relatively new procedure) increasingly. It will not be long before this becomes a normal procedure. This procedure involves the taking of embryos from fast growing or highly productive animals and transplanting those embryos into lesser animals which act as surrogate mothers. This means that the industry can improve stock at a more rapid rate than could otherwise be expected. We have contacted industry members about this matter and they agree with the sentiments expressed in the Bill, which I support.

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

ROAD TRAFFIC ACT AMENDMENT BILL (No. 4)

Received from the House of Assembly and read a first time.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL (No. 2)

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

In order to expedite the business of the Council and with the concurrence of honourable members I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The aim of this Bill is to provide consequential amendments to the South Australian Heritage Act 1978 in support of the proposed Native Vegetation Management Bill 1985. The Minister who will be responsible for the administration of the Native Vegetation Management Act 1985 is constituted as an authority under the South Australian Heritage Act 1978 and will enter into heritage agreements with landowners in respect of native vegetation under both Acts.

The Minister will also take over the responsibility of the existing Native Vegetation Retention/Heritage Agreement Scheme. The Native Vegetation Authority will replace the Heritage Committee in most circumstances as the advisory body on heritage agreements to protect native vegetation and the authority will administer the scheme.

Importantly, these consequential amendments to the South Australian Heritage Act, 1978, provide enabling provisions to exempt areas of land subject to heritage agreements under the Native Vegetation Management Act, 1985, from the payment of State and local government rates and taxes. The proposal is, in respect of local government rates, for the decline in revenue to be offset by a marginal increase in the rate per dollar levied on all landholders within a council district. This is entirely consistent with the philosophy that native vegetation is a resource of benefit to the whole community and that government at all levels—local, State and Commonwealth—should help the land-holder in maintaining and managing it for the future.

The proposal also embraces a principle of equity—landholders who have in the past cleared much of their vegetation and thereby avoided the controls will now make a contribution to those who still have vegetation and have been affected by the controls.

To ensure that local government has the opportunity to restrike its rate on the remaining council area—and therefore, if desired, attract the same funds—a decision to waive rates under each individual heritage agreement will not come into effect until after the passage of one full rate year. The contribution from other ratepayers will, however, be small. Within the District Council of Kingscote on Kangaroo Island, for instance, the additional costs in rates for a landholder with a property valued at $200 000 will be $10 (an increase from $780 to $790). This figure also assumes that all the remaining native vegetation within the council area will become subject to heritage agreements, an unlikely event, and the actual rise is likely to be less. Similar calculations carried out for the District Council of Lincoln and the District Council of Tatiara indicate a likely annual increase of $18 for a $200 000 property. I commend the Bill to the Council.

Clauses 1 and 2 are formal. Clause 3 includes the Minister for the time being responsible for the administration of the Native Vegetation Management Act 1985 in the definition of 'the Authority'. This term is used in Part IIIA of the principal Act dealing with heritage agreements.

Clause 4 amends section 16a to provide for the making of heritage agreements by the Minister administering the Native Vegetation Management Act 1985. Clause 5 amends section 16b of the principal Act. Paragraph *(b)* provides for a term in heritage agreements, originating under the Native Vegetation Management Act 1985, releasing a landowner from the obligation to pay rates and taxes in relation to the item. Paragraphs *(a)* and *(c)* are consequential provisions. Paragraph *(d)* clarifies that a mortgagee or encumbrancee in possession is a successor in title for the purpose of subsection (3).

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

PLANNING ACT AMENDMENT BILL (No. 4)

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

With the concurrence of honourable members I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The Planning Act Amendment Bill (No. 4) 1985 has been drafted in association with the Native Vegetation Management Bill, 1985, and seeks permanent repeal of section 56 (1) *(a)* of the Planning Act—the so-called 'existing use' provision. This provision is currently suspended until 31 October 1985, following a decision by the High Court on the effect of the provision. By majority the High Court held that section 56 (1) *(a)* enables expansion or extensions to existing activities, without planning approval, irrespective of the impact on adjacent land users.

This interpretation undermined the vegetation clearance controls, but also had substantial impact on the full range of planning controls, as uncontrolled expansion of any existing activity could result in significant undesirable impacts. As the Planning Act only controls changes in use of land, not land use *per se*, a statement protecting continuation of existing activities can be dispensed with. The Bill therefore proposes permanent repeal of section 56 (1) *(a)*. While the proposed Native Vegetation Management Bill 1985 will overcome the difficulties of section 56 (1) *(a)* in respect of native vegetation, permanent repeal is essential to maintain proper controls over other forms of development.

The Planning Act Amendment Bill (No. 4) 1985 also replaces the current paragraph *(b)* of section 56 (1). The intention of the provision was to ensure that valid planning approvals could be acted on irrespective of subsequent law changes. However, the High Court extended this interpretation so that development projects that did not need planning approval at a particular time could continue to be undertaken without planning approval notwithstanding changes to planning controls. This effectively undermined the provisions of the Act which enabled the Development Plan to be amended and led to suspension of the provision until 31 October 1985. Accordingly, the Bill replaces section 56 (1) to ensure the original intention. I commend the Bill to the Council. Clauses 1 and 2 are formal. Clause 3 replaces section 56 of the principal Act with the new provision already outlined.

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

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

The House of Assembly intimated that it insisted on its amendment, to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council do not insist on its disagreement to the House of Assembly's amendment.

It is clear, for what I believe are very good reasons, that the House of Assembly has decided that its amendment is very important and necessary to the successful operation of the marketing and financing of the Grand Prix. Personally, I agree with it and urge the Council to do the same. I will briefly canvass the one difference of opinion that the Council has with the other place. The principles of the argument have been agreed by everyone in the Council. All we are debating is what particular word or group of words should be protected. The House of Assembly and the Government are very clear and firm that the expressions 'Australian Grand Prix' and 'Adelaide Grand Prix' are words and expressions that should be protected.

I know that some members of the Council expressed a different view when the Bill was before it. However, it is now necessary for the Council to no longer insist on its amendment. When one looks at some of the marketing activities presently taking place in South Australia, one sees that they are clearly designed to gain commercial benefit from the Adelaide Grand Prix. I think that people undertaking various forms of promotion are not doing it to promote the Grand Prix; they are doing it for financial gain—and, in principle, there is nothing wrong with that. However, it has to be carried out in an orderly way.

Other firms in an orderly fashion have entered into agreements with the Australian Formula One Grand Prix Board in relation to royalty or financial arrangements. Those businesses have gone about it in a proper manner without attempting to avoid, evade or in any way be smart. They are honourable businesses and are entitled to the protection of the law. Without canvassing the whole argument again, I urge everyone in the Council to support the proposition that the Council no longer insist on its disagreement to the House of Assembly's amendment.

The Hon. K.T. GRIFFIN: I do not support what the Minister has been saying. I reiterate the Opposition's view that it is the height of bureaucratic absurdity to attempt to restrict the use of words in common usage in the community: Adelaide—the name of the city; Australia—the name of the country; and the words 'Grand Prix'. The Concise Oxford Dictionary, 1976 edition, defines 'grand prix' as 'a motor racing championship event held in various countries under international rules'. There is no way that either 'Adelaide Grand Prix' or 'Australian Grand Prix' would ever be protected under existing law, despite the telexes that we have had from the Confederation of Australian Motor Sport. The fact is that 'Australian Grand Prix' and 'Adelaide Grand Prix' are not words which are distinctive. There is no originality in them. They would not be protected under either the Trade Practices Act or the Trade Marks Act, or even the Business Names Act which, as I mentioned yesterday, the Government is trying to use to deprive an Adelaide person from using in the context of developing a commercial activity in relation to the general events associated with the Grand Prix.

The Hon. Frank Blevins interjecting:

The Hon. K.T. GRIFFIN: The Australian Formula One Grand Prix is a specific event, that is correct, but it is a formula one grand prix. We are agreeing that the names 'Australian Formula One Grand Prix' and 'Adelaide Formula One Grand Prix', which are directly associated with and describe the event, should be protected. With respect, I do not even think that those names could be protected under the copyright law, the Trade Practices Act or the Trade Marks Act. The Opposition is prepared to say, 'You can have those. You can have "Fair Dinkum Formula One", "Adelaide Alive", "Formula One Grand Prix",' because there has been some association in the development of the event with those words, but there is nothing that can be protected in the names 'Adelaide Grand Prix' and 'Australian Grand Prix'. We will resist the inclusion of those in this particular piece of legislation. There is a lot of law on trade marks and on passing off, and it is quite clear that there is no other way to protect the name. It could not be protected without some piece of legislation like this.

As I said, I think it is the height of bureaucratic absurdity to be seeking to gather everything under the wing of a Government agency, the Australian Formula One Grand

Prix Board, to try to stop people in the community from taking some advantage of being part of this particular event. It is just bad luck, according to all the law, that the name that the board now wants to preserve, 'Adelaide Grand Prix', is descriptive, but it is not distinctive. There is nothing unique in it and there is nothing there to be protected. I think it is ridiculous for this Parliament to seek to protect it. Accordingly, I do not support the proposition which the Minister has moved.

The Hon. FRANK BLEVINS: I do not want to delay the Committee any longer than is necessary. Let us be perfectly clear. I think that today's newspaper article points out quite clearly that somebody is attempting to use the words 'Adelaide Grand Prix' in direct relationship to the events that will occur early in November in the eastern part of the centre of Adelaide for financial gain. Let us be perfectly clear about that. He is not using the words 'Adelaide Grand Prix' in relation to something that is happening next year at Gawler. It is quite specific.

Members interjecting:

The Hon. FRANK BLEVINS: Let me make it perfectly clear. A legitimate business arrangement has been entered into between the marketers of the Adelaide Grand Prix, the Australian Formula One Grand Prix—call it what you will—and legitimate business interests in this State and elsewhere. Those people are entitled to protection. There is no question that this particular organisation that is using the words 'Australian Grand Prix' is doing it to make a profit out of the event that is to take place early in November in the eastern part of the centre of Adelaide. Do not let us talk about any event this year, next year, in Kimba or anywhere else. The Adelaide Grand Prix Board—

The Hon. K.T. Griffin: It is called the Australian Formula One Grand Prix Board.

The Hon. FRANK BLEVINS: Call it what you will, we know exactly what we are referring to—has decided to market that product in a certain way, quite legitimately. It is done every day by every business. Every business takes a decision as to how it will market its product. Whether we agree with the words or not, let us please not have the argument that somebody is using the words in relation to anything other than the event that will take place early in November.

The Hon. K.T. GRIFFIN: The Minister misses the point. It is an event, but that does not give anybody any intellectual property rights in 'Adelaide Grand Prix'. It is an event—we all know it is an event—but there are many other events around Adelaide, the names of which are not the property of a particular individual or company. There is no intellectual property right and there is no other property right in the description 'Adelaide Grand Prix'. That is the point that I am making. There may be in relation to 'Australian Formula One Grand Prix', because that is a special description, and there is certainly in relation to the logo which has been developed by the board, but that is different from using the name of the City of Adelaide and the name of a race together to describe the Adelaide Grand Prix.

To pass this into law would make us a laughing stock around the British Commonwealth because there is no way in which you can ensure that that particular descriptive name, which is not special, not distinctive, ought to be the property of one particular organisation or individual. It does not matter if we are the laughing stock of other parts of the Commonwealth, I suppose, but the fact is that it is a unique piece of legislation which is seeking to control the use of words in common usage. That is what I find extraordinary about the way in which the Government (and the board) wants to bring unto itself all of the descriptions of this particular event. It is just not reasonable or proper.

The Hon. I. GILFILLAN: It seems to me that the debate has expanded to a certain extent out of the context of just the inclusion or non-inclusion of these two phrases. I personally am making the decision in this matter as to whether I see it as reasonable that the two phrases, 'Australian Grand Prix' and 'Adelaide Grand Prix', can be reasonably added to the list which is already in the Bill. I am not fussing too much about whether the original Bill was fair or unfair, or whether it was administered badly or not, because I think that is outside the context of this Bill. If that is the issue, then there ought to be more substantial amendments brought up and we will deal with them in that context. As I see it, it is quite specifically the addition of two extra phrases in the clause. I read with interest that the expressions 'Formula One Grand Prix', 'Adelaide Alive', 'Fair Dinkum Formula One' and 'Adelaide Formula One' can reasonably be taken to refer to the Australian Formula One Grand Prix. That means that if anyone is using this combination of words elsewhere, and there is no reasonable basis to assume that they are connected with this particular Australian Formula One Grand Prix, there is not likely to be any fuss.

Frankly, I think that the issue that may have stirred honourable members more than the inclusion of the words is whether the whole exercise is being administered too restrictively or there is not a big enough percentage of South Australian ingredients. That does not apply to this matter. Therefore, I repeat that I have no objection to these two phrases being included. It is appropriate for them to be included.

The Hon. K.L. MILNE: To some extent we are being influenced by loyalty to those who have already been granted what are, in fact, monopoly licences. That was not really intended. I understand that the board is harassing South Australian people who want to take part. There is no doubt that the majority of money to be made from the logo and other words that have been protected will be made by interstate people. This will do much harm to the goodwill of the Grand Prix and of the Government. I am sure that was not intended.

When we look at the protection of people who pay a sum of money for exclusive agency rights for the name of a shirt or a brand of shoes, exclusive agency rights, such rights are for a year, five years or 10 years. They are long-term contracts for people to use certain items exclusively for their own benefit. However, we are talking about a right for two weeks, which is completely different. I hope the Committee can understand that difference. I can see no difficulty in using the words 'Adelaide Grand Prix' and 'Australian Grand Prix' without 'formula one' and the complete description protected in the other names. These words are not worth protecting. We would be very unfair to protect them. We would hurt many little people who will not make a tremendous amount of money but who are willing to pay for a licence for that.

The Hon. R.J. Ritson: They would not—

The Hon. K.L. MILNE: They are quite willing to pay, even for that, although it would not attract the same amount of goodwill as 'Formula One Grand Prix'. I hope the Government will allow more South Australians to take part by simply using an ordinary reference to an exciting event.

The Hon. FRANK BLEVINS: I appreciate the point the Hon. Mr Milne makes. However, that debate has been and gone. We are not talking about that now. That has been conceded.

The Hon. K.L. Milne: What?

The Hon. FRANK BLEVINS: The principles have been conceded weeks ago.

The Hon. K.L. Milne: Which principles?

The Hon. FRANK BLEVINS: The principle that the Adelaide Formula One Grand Prix Board has been allowed

to market the Grand Prix as it sees fit for the maximum benefit of the event and South Australia. We are merely debating which particular expressions shall be protected. It is a matter of opinion as to which one thinks ought or ought not to be protected. If some South Australians used 'Australian Formula One Grand Prix Car Yard' then they would be in exactly the same position as the persons who used 'Adelaide Grand Prix Car Yard'. They are exactly the same. We have included 'Australian Formula One Grand Prix' and we are now debating whether to add to that 'Adelaide Grand Prix'. That is the only point of contention. Therefore, I urge the Committee not to insist on its disagreement to the amendments.

The Committee divided on the motion:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron, R.C. DeGaris, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

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

Pairs—Ayes—The Hons L.H. Davis, Peter Dunn, and C.M. Hill. Noes—The Hons C.W. Creedon, M.S. Feleppa, and C.J. Sumner.

Majority of 1 for the Ayes.

Motion thus carried.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons Frank Blevins, Peter Dunn, K.T. Griffin, Anne Levy, and K.L. Milne.

CENSURE MOTION: MINISTER OF HEALTH

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

That the Minister of Health be censured for his failure to provide publicly all the necessary documentation to establish the full facts about financial mismanagement at the Lyell McEwin Community Health Service.

The Minister two days ago tabled a long series of documents, some relevant to this issue, some irrelevant. He has attempted in doing so to deflect the blame onto a previous Minister of Health for an issue that has occurred in his time as Minister. I have no intention of answering some of the remarks made by the Minister about members on this side, although it would be better now that he is acting Leader of this place if he restrained his language and his remarks.

The Minister would be far better served and would have served his officers better if, at the time of this problem, he had presented the full facts and not allowed the officers to believe that falsification of records could be hidden. It is always better to be honest and frank and to give the full facts. If one does not tell the truth and present the full facts, one must have a very good memory about what one has and has not said.

Let us look at the internal memorandum of 26 August 1985 which was tabled in this place by the Minister. On page 3 of that memorandum it states:

In July 1983, the commission became aware of financial mismanagement, falsification of returns to the commission, inadequate computer systems, and a generally low level of administrative competence in the Lyell McEwin Health Service.

On page 1 it states:

As a result of these actions, Messrs McCullough and Lamberts unearthed significant problems which had not been identified by the auditor . . .

Further, it states:

Immediately the Health Commission officers discovered this matter, they brought it to the attention of the auditor. The officers also detected a number of other serious matters previously undisclosed . . . Bank reconciliations had been fabricated in 1981-82, including the inappropriate allocation of capital funds into the operating account. These further matters were also promptly brought to the attention of the auditor—

and I repeat the words 'promptly brought to the attention of the auditor'—

who was unaware of them. In turn, the auditor referred to the unsatisfactory nature of accounting records and internal controls over cash, expenditure and debtors in his interim reports to the hospital board of management and in his statement to the commission for the year ended 30 June 1983.

It also indicated on page 3 that:

The facts were reported to: the Chairman of the board of management; the full board of management; the Health Unit's auditors; the Chairman of the commission; the commission's Audit Committee; the Auditor-General; and the commission's internal auditor.

I would like the Minister at some stage to table the internal memoranda that brought all these things into play. The immediate inference from this is that first of all the commission was aware in July of falsification (and I use that word very carefully because I will refer to that later) of returns. The inference is that the Health Commission officers brought this to the attention of the external auditor, the Chairman of the board and the full board of management, amongst other people. Yet no indication came in either the June letter from the external auditor to the Chairman of the board or the September letter from that same person to the Chairman of the board of falsification of returns, particularly relating to the nurses' salaries, which was the area of problem. In October Mr Venn made specific reference to and showed that a false claim had been put in for the months of April, May and June, and that a false return had been submitted in July.

Any auditor worth his salt, who had been made aware in July of a false claim and a false return being put in and a new return being requested, would have instituted an investigation and brought it to the attention of the Chairman of the board and the board of management, and correspondence would have been received by the board and the Chairman from the auditor. Yet on 7 September the auditor sent to the Chairman of the board a very detailed account of financial mismanagements of the hospital, but at no stage referred to any problems, falsification or false reports.

Are we expected to believe that that auditor would not have referred to these matters when in that September letter he went through one thing after the other: failure to supply information, failure of all sorts of items to be supplied to him, failure to reconcile bank accounts, and so on, but not once did he refer to the matter of false reports? I believe that it was not until October that the auditor became aware of false returns and a fiddle in the July return, including the false returns on nurses' salaries in April, May, June and on 7 July the Chairman of the board wrote to the auditor requesting further information following the October letter on 7 December. I quote:

With reference to your letter dated 7 December, it is our opinion that the original monthly return prepared and lodged for June 1983 did not disclose the correct amount expended on wages to registered nurses. The variation was $148 951.06.

If he had been made aware of the variation in nurses' salaries, as the internal memorandum (that is the 26 August memorandum) claimed in July—and he would have known of the figure of $148 951.06—and if such notification occurred, then why was he still seeking information in December from the auditor?

It is crystal clear to me that the internal memorandum of 26 August was false at this point. If it is not, I would like an explanation of that. The Chairman of the board clearly was not told of the problems by the Health Commission, and the first knowledge he had of it was from the external auditor in October. There has clearly been an attempt to hide this problem from the responsible person

(that is, the Chairman of the board at the Lyell McEwin Health Centre) and the internal memorandum of 25 July is a severe reflection on the Chairman of the board.

That is quite wrong. If I were the Chairman of the Lyell McEwin Health Service, I would be very cross at the inference that I had not disclosed to the board the falsification of returns.

The Hon. R.I. Lucas: Who is the Chairman of the board?

The Hon. M.B. CAMERON: We will come to that later. It is also, as I have said, a very severe reflection on the external auditor and his competence, and a quite unjustified reflection. The Minister attempted to cover up the falsification and the part played by officers of the commission by attempting to deflect it onto innocent persons, including the Chairman of the board, members of the board and the external auditor. I believe, from my reading of the documents, that the external auditor discovered the April, May, June and July fiddles himself, and that he was not notified by the Health Commission officers of this event, contrary to what is said in the internal memorandum of 26 August.

I hereby seek leave to table the false return which we referred to in passing yesterday and the internal minute of the finance committee of the Lyell McEwin Hospital which identifies that verbal advice was received from the Health Commission on 25 July that funds to cover the figures were to be sent to them.

Leave granted.

The Hon. M.B. CAMERON: It can be noted from the document that the hospital was given verbal advice which was confirmed by the Central Sector in a letter from the Health Commission to the administration of the Lyell McEwin Hospital on 1 August. I ask the Minister to table that letter forthwith, because that is a very important document, which should have been provided from the beginning. There was a claim that this information about the fiddle of figures was referred to a number of people, including the Chairman of the board, the full board of management and others.

I want all the documentation associated with the notification of those people tabled forthwith, because that documentation is very important. I asked that question of the Minister yesterday, and that information should have been provided along with the internal memorandum and all the other documents earlier this week. We would then have known where we were going. We would have known whether there was notification and we would have known more about this matter. I frankly suspect that such information will not be available, and I will say later why it will probably not be available. I believe that that part of the internal memo of 26 August was false.

I want to know how the Health Commission, and in particular the Central Sector of the Health Commission and/or officers in the Central Sector, became aware in July 1983 of falsification of returns to the commission, as that information most certainly was not provided by the external auditor. I do not believe he became aware of the falsifications until October, and then by his own hand—not because he was informed by the Health Commission or the administration of the Lyell McEwin Hospital. I want any memorandums, or letters, where the Health Commission has brought the attention of the Commission to the falsification, and I want the truth about who was notified immediately in July, as mentioned in the memorandum of 26 August.

I frankly believe that the reason that either the Health Commission or officers within the Health Commission knew about the falsification in July was because they participated in covering up to ensure that the matter did not become public. They received two returns from the Lyell McEwin Health Service: one contained false figures and the second contained the correct figures, payment was authorised by the Commission, and no notification appears to have been given to the Chairman of the board or the external auditor of those original false figures, contrary to what is claimed on pages 1 and 3 of the internal memorandum of 25 August 1985. That is an extremely serious deception, if it has ocurred, and the attempt to infer that these people were notified is also an extremely serious deception in which the Minister of Health has participated by his failure to table all the necessary documentation to establish the full facts and by his tabling of the memorandum and his obvious acceptance of that document. To show his acceptance, I quote from his ministerial statement:

> Comparing the auditor's remarks with the memorandum prepared by the Executive Director of the Central Sector, it can be seen that, far from concealing poor management and false reporting, the commission officers immediately informed the auditor of what they had found. These matters themselves then, quite properly, became the subject of further comment by the auditor in his additional interim reports to the board of management of the hospital which I have tabled.

What that says quite clearly is that the external auditor was affected in his decision making by being notified in July. Frankly, I do not believe that that happened. I want the Minister to table the 7 December letter from the Chairman of the Lyell McEwin Health Service, Mr R.P. Walters, to Mr Venn, the external auditor, in which he obviously queries the amounts referred to in Mr Venn's October letter, and which I believe will clearly show that Mr Walters was totally unaware of the falsification of figures in April, May, June and July 1983, until he was notified by the external auditor in a letter dated 27 October 1983, which was tabled by the Minister and which will absolutely refute the inference in the internal memorandum of 25 August that the Chairman of the board and the board of management were notified in July.

I now move to the 24 February letter from the new Chief Executive Officer of the Lyell McEwin Health Services, Dr David Reynolds. I refer to page 8 of the ministerial statement, which states:

> On 24 February 1984, the new Chief Executive Officer of the Lyell McEwin Health Service, Dr David Reynolds, wrote a long letter of reply to the interim reports provided by the auditor, including this excerpt: 'In the case of the Health Commission only funding the service up to the level of the approved budget. . . .'

Why did the Minister not table the whole of this letter from Dr Reynolds once he referred to it? It would appear to me that the Minister has taken out any item that would establish the full facts. For the Minister's benefit and that of the Council, I seek leave to table three full pages of those letters which will help establish the full facts and ask the Minister at some stage to consider tabling the full letter.

Leave granted.

The Hon. M.B. CAMERON: I will read from page 8 of that letter, as follows:

> In the 1981-82 financial year the hospital overspent its cash allocation. A journal entry was processed at 30 June 1982 in accordance with the journal entry described in your letter of 27 October 1983. The effect of this journal entry was to reduce the actual expenditure for 1981-82 to bring it into line with the cash allocation provided by the Health Commission and to transfer the over-expenditure to 1982-83. This fact was not reported to the board of management at the time; nor was it highlighted to the Health Commission—

'Highlighted' is the word but 'not reported' are the words referring to the board of management.

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister should not worry about that. He attempted to blame the previous Minister, and that is where he has fallen down. He has been so busy trying to find someone to blame that he has done what is referred to as shot himself (and unfortunately his officers) in the foot.

The Hon. J.R. Cornwall: No, I have not.

The Hon. M.B. CAMERON: You have done just what you said. There is no way in the world that the previous Minister could have known about the matter, because at that stage the auditors had not picked up the problem and when they and the Minister's officers did pick it up, somehow or other the matter was not reported, even to the external auditors. The letter continued:

> However, the monthly hospital management summary and the audited receipts and payments statement in the annual return incorporated this adjustment, despite your doubts to the contrary.

Obviously an adjustment was made. On page 9, the first paragraph states:

> The overstatement of the monthly returns to the Health Commission in April, May and June 1983 was done in order to ensure that the Imprest Account would reconcile to a nil balance at 30 June 1983, and the Operating Advance of $544 000 was able to be repaid to the South Australian Health Commission. Without these adjustments, this would not have happened. Once again, these facts were not reported to the board or highlighted to the Health Commission.

I repeat again for the benefit of the Minister, the words 'these facts were not reported to the board or highlighted to the Health Commission'. It absolutely clears the board of management of any participation in the falsification of returns referred to and again refutes the internal memorandum of 26 August and the Minister's statement, which clearly infers that the board was notified immediately—in other words, in July 1983.

It demonstrates again that the 26 August memorandum was false because on page 2 it is claimed that the facts were reported to the full board of management. Yet here is a former officer of the Health Commission, appointed in October 1983 as Administrator of the hospital, showing quite clearly that the board of management was kept in the dark by both Health Commission officers and the administration of the Lyell McEwin Hospital.

This is obviously in conflict with the internal memorandum and brings into question a large proportion of the advice to this Council by the Minister in his ministerial statement and makes this internal memorandum of 26 August a very dubious document indeed. Let me quote further from page 11 of the letter from Dr Reynolds:

> The board of management has now formally adopted the revenue collection guidelines issued by the Health Commission with effect from December 1983.

Yet, in the Minister's statement on page 3 he said:

> The South Australian Health Commission reacted quickly and effectively. Senior experienced officers were dispatched to the hospital to begin an urgent investigation of financial management and accounting and to ensure remedial measures were put in place.

What does the Minister consider to be immediate remedial action when it obviously took from June, when the external auditor first raised serious problems with the financial management—and this is separate from the issue of falsified returns—to December for the board to adopt new guidelines for revenue collection?

Was the Minister notified by the auditor personally of these problems and, if so, could he table any such notification? Why did it take until December for corrective action to be taken? Did the auditor write to the Minister informing him of financial mismanagement at the Lyell McEwin Hospital, and will he table that correspondence, if there is any?

Did the central sector officers of the Health Commission in July inform the Chairman of the board, the external auditor and the other individuals named on page 2 of the internal memorandum of the falsification of returns in April, May, June and July 1983, and will the Minister table those notifications? Why was that not tabled previously?

Is it because no notification was given, particularly to the Chairman of the board and the external auditor? Why did the Minister not table the 1 August letter from an officer of the Health Commission to the Lyell McEwin Health Centre confirming the verbal advice given in July of the transfer of $190 000, which included the false nurses salaries entries of March, April, May, June 1983, and was that as a result of a second return to correct the original false return?

In the internal memorandum of 14 March 1983 from the Chief Internal Auditor, the following quote occurs:

> In connection therewith we examined accounting and other records and obtained information and explanations from your sector office's finance personnel. As agreed with the hospital's Chief Executive Officer, we did not question either the officers responsible for the preparation of these summaries or the external auditors.

Why was there an agreement between the Chief Executive Officer and the Chief Internal Auditor not to question either the officer responsible for the preparation of the falsified summaries or, more particularly, the external auditors? Why was the question of the two false returns not examined by the Chief Internal Auditor? Will the Minister table any documentation as to why those two returns were not examined by the Chief Internal Auditor?

Will the Minister table the 7 December letter from the Chairman of the Lyell McEwin Hospital to the external auditor, Mr Venn, which clearly indicates he is seeking information on the false transfer that Mr Venn brought to his attention in October? Will the Minister table the 24 February 1984 letter from Dr Reynolds, the new Chief Executive Officer of the Lyell McEwin Health Service, referred to in his ministerial statement?

Will the Minister table forthwith the letter from the Chairman of the Lyell McEwin Health Service, Mr Walters, to the external auditor referred to in the external auditor's letter of 7 September 1983, as follows:

> With reference to your letter dated 31 August 1983 and our report dated 27 June 1983, please be advised of the following...

We would like to know what is in the rest of that letter. Does it show that there was knowledge of falsification? Of course, it will not, because that did not occur! Does the Minister now agree that the internal memorandum supplied to this Council dated 26 August 1985 was wrong in almost every detail and was designed to hide the true facts from this Council, and that every one of the missing documents that I have asked for would have enabled the Council to establish the true facts: that there was clear knowledge by the central sector of the Health Commission of the falsification of returns in July.

That is quite clear. No-one is disputing that. What is in dispute is whether, as it has been said in that document, other people were notified. I do not believe that that is the case. Does the Minister now agree that the $190 769 was transferred to the hospital following a request for a second return from the Lyell McEwin Health Service replacing the first false return and that that knowledge was not passed on to the Chairman of the hospital board, the external auditor and possibly all the other people named in the internal memorandum of 26 August?

It has become clear to me and this Council, from the information provided by letters written during October and December, the letters not shown to this Council, and the external auditor's letter, that the external auditor discovered the true facts of falsification by himself and that he was the person who notified the Chairman of the hospital board. The internal memorandum dated 26 August deliberately attempted to slur the external auditor and his competence by indicating that he knew about it in July, but did not say anything about it until October, because that is the first time he brought it forward. No-one can tell me that any auditor worth his salt would, knowing of a matter in July, then not refer to it in any correspondence to the hospital,

the board or any other individual until October. That is absolute nonsense. I do not believe it.

The Hon. J.C. Burdett: It is criticising the auditor.

The Hon. M.B. CAMERON: That is my very strong feeling: that there has been an attempt to slur the external auditor and the Chairman of the hospital board by inferring that they had previous knowledge in July of this event, but did not disclose it. I believe that this Council has no choice but to censure the Minister for failing to provide the full facts about this case to the Council, when he tabled the documents. The Minister tabled a number of documents but, unfortunately, he did not put forward the documents that hold the key to the case. He did that in order to hide the fact that officers of the Health Commission had knowledge of—and I say these words carefully—and attempted to cover up the falsification and hide it from the external auditor, and failed to pass on that knowledge to the appropriate people.

The Hon. J.R. CORNWALL (Minister of Health): In one sense this motion is just plain silly. Like the Opposition's attack throughout, the motion is a waste of public time and resources, and is consistently inaccurate. At this hour on a Thursday I would not normally take up or waste the Council's time over something that is so silly. Unfortunately, there is a sinister side to this affair. The Opposition has conducted a campaign of distortion and exaggeration to quite deliberately malign the commission, to specifically malign the two very senior officers in very good standing and of great experience in the commission, and to malign me, as Minister. In the past eight days we have had a very disturbing illustration of how the Parliamentary process can be perverted. There seems to me to have been an extraordinary conspiracy.

There has certainly been a persistent refusal to let the truth get in the way of a fabrication, and let me illustrate that for just a moment by referring to the *Hansard* report of Thursday 22 August, where I stated:

> The financial years 1981-82 and 1982-83 are, I believe, specifically in question at the moment. I am prepared to take that question on notice and bring back a reply next Tuesday. I have not had an opportunity to memorise the entire files, but I make it clear, and I repeat, that it is not my intention at this time to table the private auditor's report for the very simple reasons that I outlined previously.

What I said is that I would take it on notice. My initial reaction was that it would set a rather nasty precedent, and that I would think about it. That was reported on Tuesday of this week when I tabled 17 documents; the stop press of the *News* said that I had said previously that the reports would never be tabled. That was wrong—that was completely wrong. In fact, there were three sentences in that stop press report and they were all completely wrong in fact, so that is a 100 per cent record—not bad for that particular *News* employee.

Let us go back to the tabling of the 17 documents, the allegations of cover-up—the trumped up allegations. Let me make it clear at this stage that I have not in my memory all of these additional documents to which the Hon. Mr Cameron refers, but if he wishes me to continue to flood this Chamber with documents, then I am perfectly happy to do so. Seventeen documents, and people talk about a cover-up! Really, how ridiculous can you get? Mr Cameron has been trying to get into a little manipulation all along in this matter, of course. He interjected the other day when I referred to the *News* having published a tear sheet of the external auditor's report, and said, 'You have been bluffed.' The Hon. Mr Cameron purported to know what the *News* had. That is hardly surprising because he supplied them with the material.

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. J.R. CORNWALL: They had a very limited amount of material and at one stage it was a case of the blind man leading the guide dog, but in fact—

The Hon. M.B. Cameron: You tell me how much was involved.

The Hon. J.R. CORNWALL: I know precisely, yes indeed. Having tabled 17 documents, I was portrayed as having been forced to do so. I need to look at *Hansard*, because I could not follow the great story that Mr Cameron was telling today, but at this moment I cannot see any particular reason why, if he wants to continue on a fishing expedition in this particular area, I should not table those additional documents either. I was accused in the same vein of doctoring a document because the 13 or 14 pages did not include the appendices. The same deliberate distortion was made concerning the discrepancy in the month, July or August, when the Health Commission officers first went to the hospital to investigate. I will return to that shortly. The Opposition invents a sinister and deceitful scenario to fit its accusations. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

VALUATION OF LAND ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly conference room at 5.45 p.m.

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

That Standing Orders be so far suspended as to enable the conference to be held during the sitting of the Council.

Motion carried.

CENSURE MOTION: MINISTER OF HEALTH

Resumption of debate.

The Hon. J.R. CORNWALL (Minister of Health): As I was saying a little while ago, the Opposition has continually invented a sinister and deceitful scenario to fit its accusations. It ignores a number of very salient points: first of all, the commission's prompt and effective action. Secondly, the overwhelming evidence of the documents already tabled—all 17 of them; thirdly, my offer for any member to inspect the files or talk to commission officers—that was not taken up by any member of this Parliament, nor by any journalist; fourthly, the Government's guarantee of cooperation with documents and witnesses in any parliamentary Public Accounts Committee investigation; fifthly, of course, the fact that the Auditor-General has been the auditor for the Lyell McEwin Health Service since the financial year 1984-85; and finally, the fact that if any one individual feels aggrieved by any of these matters as alleged, then of course there is a clear possibility that they can approach the Ombudsman—that course is quite open to them, and the Ombudsman would, I am sure, if she was convinced of the sincerity of the allegations, pursue the matter with the vigour that that office usually shows. So, you have the parliamentary

Public Accounts Committee, the Auditor-General, the Ombudsman, and you have the offer still standing (but not taken up because it did not suit the purposes of inventing the great lie). The offer still stands that people can talk to the officers of the Health Commission.

The simple reality is that these are trumped up charges contrived by the Opposition. The censure motion in its form, or in any other form, is an abuse of the parliamentary system. The Hon. Mr Cameron should listen to this because it is fairly important, to say the least. In this web of deceit, the sinister deception that he has woven, with a little help from his friends, he said clearly in his contribution that the board did not know about the external auditor's report (by Mr Venn) until October 1983. I have news for him.

I have here extracts from minutes of the Lyell McEwin Health Service Finance and Administration Sub-Committee. This was to the board of management. At a meeting of 25 August 1983, the auditor's report was discussed. Mr Walters, Chairman of the Board of the Lyell McEwin Health Service, drew the committee's attention to the date the report was received. He explained that he had deferred the report as at the time the redevelopment was requiring urgent attention. So, the Hon. Mr Cameron, as usual, is wrong and his fabrication is totally untrue.

The Hon. M.B. Cameron: Table the document.

The Hon. J.R. CORNWALL: I will when I have finished using it. He felt that the situation had been made considerably more serious by the report being presented to the Chairman of the Health Commission and then forwarded to the Executive Director of the Central Sector. Mr Walters also explained that attached to his copy of the report were copies of previous correspondence sent by the auditors to the service, that is, directly to the health service. Mr Walters presumed that the auditors, having sent out correspondence and not receiving replies from previous boards, had sent the report to the Chairman of the Health Commission to ensure that a reply was received from the present board.

The Hon. R.I. Lucas: You have the wrong report.

The Hon. J.R. CORNWALL: So, in 1981-82 nothing was happening. The Chairman informed the committee that the report had also been sent to the Auditor-General's Department, which had asked questions of the South Australian Health Commission, which were subsequently put to this service. Mr Walters referred to two matters which were contained in the auditor's report. They were the matter of cheque signatories and borrowing cash from cash drawers. It is worth referring to the borrowing cash from cash drawers, because Mr Walters stated that this was totally unacceptable—

Members interjecting:

The PRESIDENT: Order! We do not have interjections when we have these crazy hours.

The Hon. J.R. CORNWALL: Mr Walters stated this was totally unacceptable in an accounting situation and had issued instructions that this practice was to discontinue immediately. Mr Walters informed the committee that he had conferred with the Chairman of the Finance and Administration Committee, along with Mr D. McCullough and Mr Rose, regarding the questions raised in the auditor's report. The committee then went through each item of the report and several recommendations were put forward.

There is the further extract from the meeting of 29 September 1983, 'Auditors Report—Report from Health Commission Officers'. Mr McCullough reported that Mr Paul Lamberts had been at the service for four weeks, and had been reconciling some of the accounts. This had been a very difficult task and had been very time consuming. Mr Lamberts had completed reconciling accounts. He had, however, been able to rationalise these variations. Mr Lamberts then commented on some of the difficulties he had experienced—Mr Lamberts, of course, having been put in there by the commission. He explained that he had found discrepancies of up to $16 000.

So it goes on. Another extract is from a meeting of 27 October 1983 and is worth quoting in order to put the Hon. Mr Cameron's allegations further to rest. Mr P. Lamberts reported on his progress since the previous committee meeting. He explained that the reconciliation of the imprest account was taking much longer than expected. He had found that there were 268 unpresented cheques and had compiled a list of these. Some of the cheques were unable to be identified as there was no cheque number, no date, etc. The list of unpresented cheques was dated back to January 1980 and totalled $18 576. There were four cheques which were listed as unpresented which were in fact presented. The point which raised most concern was that there was a discrepancy as at 30 June 1982 of $100 000 approximately. Officers of the service were asked to explain this and an explanation was given. Mr Lamberts then spoke with the auditors and asked if they had checked this journal entry. Mr McCullough stated that the auditors had felt they had been 'conned'. That is, conned by people in the Lyell McEwin Health Service. I seek leave to table the document.

Leave granted.

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

That the document be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SITTINGS AND BUSINESS

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

That the sitting of the Council be suspended until the ringing of the bells.

I expect that will be at 7.45 p.m.

The PRESIDENT: The bells will not ring at a quarter to eight because we have His Excellency joining us for dinner. It would be highly improper for us to cancel that engagement. At whatever time His Excellency leaves Parliament House, the bells will ring, if that is what the Council wants.

The Hon. FRANK BLEVINS (Minister of Labour): I certainly would not dream of being discourteous to His Excellency, but I point out to the Council that, as far as the Government is concerned, the bells will be ringing at quarter to eight. If the Council chooses otherwise, or if it is beyond our power to have our wishes carried out, there is nothing I can do.

Let me point out one other thing: this motion, or a similar motion, could have been moved at Question Time. If His Excellency is inconvenienced or any of us are inconvenienced, then let us state where the inconvenience comes from. It stems from the Opposition's bringing on a ridiculous motion at five o'clock on a Thursday. The motion could have been dealt with earlier in the day, but the Opposition wanted its Question Time as well. The motion could have been moved on Wednesday week in private members' time. That was the time to do it. The Government will be requesting that the bells be rung at quarter to eight.

The Hon. M.B. CAMERON (Leader of the Opposition): What an amazing performance. I am staggered. Along with the Opposition, I am willing to continue sitting now. We have until 6.30 p.m. and we can go on until 7 p.m. if required. We will have no trouble getting it through. I moved the motion yesterday in the proper time—

The Hon. G.L. Bruce: You have four more speakers.

The Hon. M.B. CAMERON: We have not got four more.

The Hon. G.L. Bruce: There are two Democrats set down to speak.

The Hon. M.B. CAMERON: That is up to them. I can assure the Minister and anyone else associated with this matter that we are willing to sit until 7.30 p.m. We will cooperate. I have never heard such a performance of trying to drum up a beat-up story. I can tell the Government that it will get all the co-operation in the world. To show our cooperation I will say no more now.

The Hon. C.M. Hill: It's like a melodrama.

The Hon. M.B. CAMERON: Yes, but this melodramatic gesture will not work.

The Hon. J.R. CORNWALL: I am willing to cooperate to the extent that I have a lengthy contribution to make. I must be untrammelled in making that contribution. The Opposition had from 2.15 until 3.15 p.m., but that time was wasted. The Opposition then ambled through the Bills that had to be dealt with. So time was not the essence of the contract at all.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Then there is this tawdry attempt now. I give an undertaking that, when I have finished, the Opposition will be given the opportunity, but I warn that I have a fairly lengthy contribution to make and I intend to make it. I am happy to withdraw the motion if that is what the Council wishes at this time, but I warn that I have a lengthy contribution to make.

The PRESIDENT: Order! I do not believe that there is any attempt to restrict anyone from saying anything. Since that falls on my shoulders, and I have invited His Excellency here, that is what I propose to do, but there is no restriction, surely, on how much people can say. We can sit until 10 o'clock tomorrow or come back tomorrow as far as I am concerned.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), M.S. Feleppa, I. Gilfillan, C.M. Hill, Anne Levy, K.L. Milne, and Barbara Wiese.

Noes (7)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—(Ayes)—The Hons C.W. Creedon and C.J. Sumner. Noes—The Hons R.C. DeGaris and K.T. Griffin.

Majority of 3 for the Ayes.

Motion thus carried.

[*Sitting suspended from 5.55 to 10 p.m.*]

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

At 10.28 p.m. the following recommendations of the conference were reported to the Council:

That the Legislative Council do not further insist on its disagreement to the House of Assembly's amendments.

CENSURE MOTION: MINISTER OF HEALTH

Adjourned debate on motion of Hon. M.B. Cameron (resumed on motion).

(Continued from page 654.)

The Hon. J.R. CORNWALL (Minister of Health): Before the dinner adjournment I was telling the Council that the trumped-up charges about Lyell McEwin had been contrived by the Opposition. I had told the Council that I believed the censure motion to be an abuse of the parliamentary system. In fact, what has occurred and what the Opposition has done is use a typical Goebbels technique.

Members interjecting:

The Hon. J.R. CORNWALL: It has used, and unashamedly used—

Members interjecting:

The Hon. J.R. CORNWALL: I knew this would happen, Mr President. It is amazing.

The PRESIDENT: Order! One thing that we do not do in this Council when a motion of this kind is before the Chair is in any way for members to interject. We let people speak. They will speak and be heard, or the debate will not continue.

The Hon. J.R. CORNWALL: Thank you for that protection, Mr President. I repeat that what the Opposition has done collectively on this occasion is use the Goebbels technique. The Opposition has invented a monstrous and distorted untruth, and repeated it so often that it is trying to have the community take it seriously. Nobody does believe the Opposition, and that is exactly right.

I know from the telephone calls that I have received and the comments that I have received, particularly from health professionals (and I move around a good deal) that nobody—and I repeat, nobody—in the medical or health professions generally or anywhere else believes that it does the Opposition any credit. In fact, it will backfire—and backfire very severely—and so it should.

The Opposition has conspired to slander one of the most experienced and respected public servants in the whole panoply of South Australia. The Opposition knows whom I am talking about; I will not mention the man. However, the Opposition has slandered him. This gentleman has been an outstanding member of his profession for almost 30 years and it is quite disgraceful that the Opposition has done this for petty political purposes. The Opposition should be ashamed of itself.

Let us look at the reality. On 31 August 1982, when the Hon. Mr Burdett was Minister of Community Welfare, representing the then Minister of Health (Hon. Jennifer Adamson) in this place, I placed on notice certain questions the first of which related to how many accounts had been remitted or written off as bad debts (and this is partly what this argument is supposed to be about—the monstrous lie) between 31 July 1981 and 30 June 1982 at the following hospitals: Royal Adelaide, Queen Elizabeth, Flinders Medical Centre, Modbury, the Lyell McEwin Hospital, and a number of others. Secondly I asked what were the total amounts remitted or written off as bad debts at each of the hospitals for the financial year ended 30 June 1982.

I was there trying to elicit this information and to alert the then Minister as to some of the things that were going on at the Lyell McEwin. Thirdly, I asked what amounts from each hospital were referred for collection as bad debts to the issuing of ordinary summonses, unsatisfied judgment summonses or warrants of commitment during the financial year 1981-82. Fourthly, I asked what changes in debt collection procedures had the Government or individual hospital boards of management implemented during the financial year 1981-82. And so it goes on, question after

question, about the failure to try to institute better financial management and, in particular, a specific criticism that is being currently being made apropos of the Lyell McEwin scam—a specific criticism about not chasing bad debts. What was the answer of the then Government? The Hon. J.C. Burdett, on behalf of the then Tonkin Government, in response to these very important questions had this to say:

The time and effort required to provide the answer to this question is not considered to be warranted.

Now, it is very interesting to reflect on that. On the night of 31 August, the eve of the 1982-83 budget, when I first blew the whistle by a series of questions on notice, the then Minister on behalf of the Minister of Health in the Tonkin Government, said:

The time and effort required to provide the answer to this question is not considered to be warranted.

Now, what a shower they are—and I will not say a shower of what. They ought to be ashamed of themselves. They ought to be thoroughly ashamed of themselves. Despite the interruptions, I am carrying the thread through very well, but at the moment I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the Conference.

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

That the recommendations of the conference be agreed to.

I would like to thank the managers from this Council for the way that they put the point of view of the Council to the conference. They did it very well, as one would expect, being a very talented group of managers. However, we were not successful. The argument that was put by the House of Assembly was seen by us after considerable discussion to be the view that ought to prevail. I will just pick up one or two points that the House of Assembly made to which we eventually agreed. I suppose the most compelling point which persuaded us that the House of Assembly was correct was that, in essence, what we were doing in the amendment that was before us was merely to correct what we failed to do in the original Bill. The intent of the original Bill was quite clear and there was no objection in this Council to what that Bill was attempting to do. It was attempting to protect the intellectual property rights of the Grand Prix. There is no question that that is what we all assumed the Bill was doing. It turned out that, for whatever reason, what we did was deficient. On closer consideration of the Act, it turned out that we had not protected those property rights as we had intended to do.

The points in question were what particular expressions or phrases ought to be protected. Some were agreed without any argument but two required a great deal of persuasion from the managers of another place. The two in question were the expressions 'Australian Grand Prix' and 'Adelaide Grand Prix'. We were persuaded that, if the events that taking place early in November in the eastern part of the centre of Adelaide were not known as the Australian Grand Prix or the Adelaide Grand Prix, then we could not imagine what that event would be.

Obviously, it is the Australian Grand Prix and, equally, it is the Adelaide Grand Prix. We were persuaded that there was no question about that. Also, we had discussion in the conference which I want to relate to the Committee, not in the manner of breaking the confidentiality of the conference (which I have always been happy to respect), but more in the way of informing the Committee of some of the problems that have arisen with the marketing of the Grand Prix.

Of course the first problem, which hopefully we have now corrected, is that the original Bill did not carry out the intent of Parliament. The second problem, a more concrete problem and certainly one not quite so esoteric, is the strategy that the Grand Prix Board has adopted to market the Grand Prix.

The very limited time it had to organise this Grand Prix, the huge amount of work that has been necessary, and the amount of organisation that has been necessary—all compressed into a very short time—have meant in the marketing area that it was believed necessary to engage a private company specialising in the marketing of such events—an experienced and highly respected company. That company has chosen to go about its task by giving certain exclusive rights to particular manufacturers. That is a perfectly normal way of operation, and it certainly suited this Grand Prix because of the short time available for organisation.

It may be that for future Grand Prix—and certainly the managers of the conference hope that this will take place, and I can give the Committee an assurance that it will—it may well be that the board will not grant exclusive rights to individual firms. It may be that a more open strategy can be developed in the next 12 months. I am not saying on behalf of the Government that that will be the case: all I am saying is that all the managers were concerned that that be put to the board and, given that it will have perhaps up to 12 months to arrange the marketing of the next Grand Prix and future Grand Prix, then we will ask it to take into account the points that have been debated in this Chamber.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: Just a moment; one thing at a time. Regarding the question of the franchises that have been given to date and those that have been refused, the Government has undertaken to speak with the board about that to see whether a more open system of franchising can take place.

I do not know the practicalities of that, but certainly the Premier, on behalf of the Government, will have some discussions with the Grand Prix Board about it, particularly in areas that have been the main bones of contention within this amendment—that is, the use of the words 'Australian Grand Prix' and 'Adelaide Grand Prix'. If some exclusivity were given to the other words, it may be that there would still be an avenue for a broader spread of franchising and assistance in promotion that can be given even at this late stage. On behalf of the Government, I assure the House that that will be done.

The whole episode that we have gone through in the past couple of days has been unfortunate. It was because of a deficiency in the original Bill that none of us picked up. We believed, in all good faith, that we had given the commercial rights to the Grand Prix sufficient protection when obviously we had not. Now the issue has been resolved to the satisfaction at least of the managers from both Houses, and hopefully to the satisfaction of the Council. I urge all Councillors to support the Bill.

The Hon. K.T. GRIFFIN: The whole object of this Bill has been to cure some of the problems that the Grand Prix Board and the Government got themselves into. It is not a question of the principal Act not carrying out the intention of Parliament, because that was clearly expressed in that Act as being a power for the Grand Prix Board to restrict the use of the official logo and the official title, and no more than that. It was clearly expressed. In this Bill, we see

an attempt, well after the event, by the Government to patch up problems that have been created by the board and then by PBL Marketing granting wide licences guaranteeing certain restrictions on the use of other descriptions that are associated with the Grand Prix.

Let us make no mistake that we are engaged in a patching-up exercise at present. There needs to be a very close investigation of what the board did on this occasion and of what PBL Marketing granted to the licensees in respect of the whole licensing area. One of the difficulties that we have had during the course of the debate on this Bill is that, while we have had the names of licensees—17 from South Australia and 14 from interstate—we have not been able to gain any details as to the extent of the licences that have been granted. That has a direct bearing on the sort of legislation that we ought now to be passing to patch up the problems that they have now experienced.

Be that as it may, the problem has to be addressed. Whilst I am disappointed that we are extending the ambit of this Bill to cover terms in common usage, such as 'Adelaide Grand Prix' and 'Australian Grand Prix', some consideration has to be given to the way in which this Bill would have been dealt with if the conference had not reached at least some tentative agreement. The problem is that, the words being in common usage, we are setting a unique precedent, because we are trying to restrict by legislation the use of words that are commonly used around South Australia. Also, there will be lots of ordinary people who will be seeking to use the description 'Adelaide Grand Prix' who will be prejudiced both commercially and in other respects.

It is all very well for bureaucrats and the Government to seek to become possessive about all aspects of the Grand Prix, but, after all, it comes to South Australia as an event to create interest for South Australians. The unfortunate aspect of this matter is that, by proscribing the words 'Adelaide Grand Prix', we are, in fact, engaging in—

The PRESIDENT: Order! The Hon. Mr Griffin must not go back to the second reading debate.

The Hon. K.T. GRIFFIN: I am not returning to the second reading debate, Mr President. I am expressing disappointment but not disagreeing with the report of the conference. What I want to say arises out of what the Minister reported as the extent of the commitment that the Government was giving in the context of the report that was made.

I am saying that it is unfortunate that many ordinary South Australians, small business people, will be prejudiced. Although the Premier has given a commitment to take up with the Grand Prix Board the question whether other licences can be granted for this Grand Prix and to review the granting of licences for the next Grand Prix (I must interpose here that I would expect another Government to be doing that), the fact is that I do not see that the Board, the marketing agency or the Government, having got itself into this mess, would be easily able to extend licences to the many small business people in South Australia who will be prejudiced by this decision.

I hope that the board will not continue the threats that it has been making around Adelaide to people who have been legitimately using references to the Grand Prix. I think that the presumptions that have been asserted by the board in the public media and in letters from the Crown Solicitor are quite irresponsible. I hope that, having got its own way now, the Government and the board will seek to rein in some of the threats that have been made to small business people in South Australia.

The Hon. K.L. MILNE: I would like to thank those who attended what I think was a successful conference. I particularly thank the Hon. Mr Griffin, who was not really convinced that the answer we reached was correct, but I think that it was the best possible compromise. I can see the Premier's point of view as he is acting for the promoter. The Government is the promoter and I think that we owe it a great deal of loyalty. I took that into account, and the Premier kindly gave an undertaking to talk to the board and to ask it to be particularly generous (for want of a better word) to those people, particularly in South Australia, who have not got licences. We suggested that they could perhaps be granted restricted licences, or come to some arrangement that would help local people.

I thank the Chairman, who was like dynamite. I also thank the House of Assembly members for their courtesy, and Mr Griffin who, as I have said, felt very deeply about the matter. I hope that it comes out the way in which he wants it to in the end.

Motion carried.

CENSURE MOTION: MINISTER OF HEALTH

Adjourned debate on motion of Hon. M.B. Cameron (resumed on motion.)

(Continued from page 656.)

The Hon. J.R. CORNWALL (Minister of Health): I will have this third try, the main course, or main event, if you like. I must say that if one cannot go 15 rounds one should not try to get into the ring for a championship match.

I will now recap what I said prior to the adjournment. The Opposition has used the Goebbels technique. It has structured a monstrous untruth, repeated it on a continuous basis and distorted the facts on a regular basis. Nobody really takes the matter too seriously. Nevertheless, what the Opposition has set out to do, and would be happy to do in the event, is to slander one of the most senior and respected officers in the Health Commission.

I believe that that is disgraceful and inexcusable. I also pointed out that when I asked a whole series of questions on notice prebudget (31 August 1982) concerning financial management at the Lyell McEwin Hospital, the answer from the then Government was:

> The time and effort required to provide the answer to this question is not considered to be warranted.

I am very happy to have that answer on record. I intend to go through some of the matters of fact in order to put some perspective in the whole business. I refer to a series of questions that were asked earlier this week when I gave an undertaking, with at least some of them, to bring back answers before the week was out. In fact, I have answers to all the questions. The first series of questions was asked by the Hon. Mr Cameron. The first question was:

> When were each of the above notified of the difficulty purportedly identified by Messrs McCullough and Lamberts at the Lyell McEwin Community Health Service and by which officers of the health service?

This question is directly relevant to the debate, and I think that the questions should form part of it. The answer to the question is that the facts uncovered by progressive investigations, allegedly, were discussed at and reported to a series of meetings that took place during and after August 1983.

In response to the specific categories about which information is sought by the Hon. Mr Cameron, I refer, first, to the Chairman and board of management of the health service. At this distance it is not possible to report precisely when information was provided separately to the Chairman or board of management. However discussions took place at a number of meetings, including a meeting between the hospital board of Chairman and Mr McCullough at the

former's business office in late August, during which the external auditor's 27 June 1983 report was first sighted by a commission officer.

The Hon. J.C. Burdett: That is the wrong report.

The Hon. J.R. CORNWALL: No. It was in late August, during which the external auditor's 27 June 1983 report was first sighted by a commission officer. There followed a long discussion on each point raised in the report. Mr McCullough gave advice on the appropriate actions to be taken by the board. The other discussions that took place were: finance committee on 25 August 1983; the board of management on 31 August 1983; a special meeting of the board on 21 September 1983; finance committee meeting on 29 September 1983; board of management on 5 October 1983; finance committee meeting on 27 October 1983; board of management on 31 October 1983; board of management on 5 December 1983; meeting between Chairman of the board and the Executive Director, Central Sector, on 6 December 1983; an in camera board of management meeting on 11 January 1984 to receive the report of the South Australian Health Commission's internal audit unit; board of management meeting on 1 February 1984; interview with the former Acting Chief Executive Officer concerning financial management controls and irregularities during his term of office; board of management meeting on 7 March 1984; noted detailed hospital reply to the external auditor's four interim reports; received the report of the South Australian Health Commission's chief internal auditor; resolved to commend the actions taken by the Director of Finance and Mr Paul Lamberts, acting accountant on secondment from the South Australian Health Commission in helping to resolve the financial situation of the service; board of management meeting on 4 April 1984; received a further report of the South Australian Health Commission's chief internal auditor and resolved that no further action be taken on the matter; and received and discussed a letter from Dean, Newbery and Partners on 12 March 1984. At this meeting the board resolved to approach the Auditor-General to ask whether he would accept nomination as auditor for the 1984-85 financial year.

There was the annual general meeting on 28 March 1984. The Chairman of the finance committee spoke to the auditor's report, and the meeting accepted the financial statement of accounts contained in the annual report for the year ended 30 June 1983. Then there were the health units auditors. The external auditor was notified of the discoveries by the Health Commission officers at a meeting in the board room of the health service attended by Messrs McCullough and Lamberts of the Health Commission, Dr Reynolds, who was then the Acting Chief Executive Officer of the health service, and the external auditor. The meeting was convened by Mr McCullough to bring to the attention of the external auditor the matters found by Health Commission officers and to ask for an explanation and for any other relevant information that the external auditor might have. While the date of this meeting remains uncertain, Health Commission officers place it some days before the 27 October 1983 meeting of the hospital's finance and administration committee. This is clear for two reasons. First, the minutes of the finance and administration committee meeting included the following remarks:

> The point which raised most concern was that there was a discrepancy as at 30 June 1982 of $100 000 approximately. Officers of the service were asked to explain this and an explanation was given. Mr Lamberts then spoke with the auditors and asked if they had checked this journal entry. Mr McCullough stated that the auditors had felt they had been conned—

An honourable member interjecting:

The Hon. J.R. CORNWALL: By some officers in the service, quite right, but not by anyone in the commission. Secondly, the third interim report by the external auditor dated—

Members interjecting:

The Hon. J.R. CORNWALL: I expect a bit of protection, Mr Acting President. The President has spelt out the rules for this debate, and the fact that members opposite have been imbibing over dinner is hardly any excuse for their puerile behaviour. Secondly, the third interim report by the external auditor dated 27 October 1983 and addressed to the Chairman of the board of management contains a specific reference to the matters exposed by the investigations conducted by the Health Commission officers. Although this report was not discussed at the finance and administration committee meeting to which I previously referred because it had not been received, at page 2 there was the statement:

> The problem of detection is compounded by the fact that we were given assurances from the then Administrator that the reconciliation as at 30 June 1982 had been completely reviewed by himself and found to be correct.

Although it is not possible to be precise as to dates, the process of investigating the matters discovered by the Health Commission officers, together with the deficiencies identified by the external auditor, continued in October and the ensuing weeks. It must be emphasised that the primary responsibility for establishing precisely what had occurred lay quite properly with the external auditor who subsequently reported his findings.

The Hon. R.I. Lucas: You're slandering him now.

The Hon. J.R. CORNWALL: No, I am not slandering him at all. Mr McCullough stated that the auditors felt that they had been conned. I am not slandering anybody. That is not my caper—that is yours, young fellow. The Hon. Mr Lucas has no form, no class, very little talent, and he is sober which makes his behaviour even more unforgivable. Next, the Chairman of the commission by letter dated 8 December 1983 requested the Health Commission's chief internal auditor to review the health unit's financial audit for the years 1981-82 and 1982-83. Next, there was verbal communication before and after this date, and written communication by memo dated 8 March 1984, and by report from the internal auditor dated 8 March 1984, and I point out that the internal audit did not exist under the previous Administration; it was set up under my Administration.

There was then a memo from the Executive Director dated 19 March 1984 advising of the external auditor's final report for the year 1982-83. Next, the commission's audit committee (something that did not exist under the previous Administration; it was established in January 1984) received reports on the Lyell McEwin financial situation on 5 March 1984 when it reviewed the Chief Internal Auditor's report on 9 May 1984, on 18 July 1984, on 12 September 1984, and on 4 February 1985. Next, the Auditor-General was advised formally of the external auditor's qualifying statement for the 1982-83 financial year including copies of the interim reports of 27 April 1984. The commission agreed with the action requested by the health unit's external auditor.

It was a requirement of the cost sharing agreement with the Commonwealth that audited annual returns should be submitted to the commission. It was also a requirement for the Auditor-General to receive the audited financial statements of all recognised hospitals to enable him to provide a certificate to the Commonwealth. The Auditor-General was visited by the health unit's board chairman, the chief executive officer and the director of finance on 29 May 1984 concerning the appointment of the Auditor-General for the 1984-85 financial year. Next, the commission's inter-

nal auditor was requested on 8 December 1983 to review the financial audit situation for 1981-82 and 1982-83 and to comment on actions taken by officers of the Central Sector concerning financial transactions of the commission and the health service.

I now turn to the Hon. Mr Cameron's second question as to the form of this advice. I point out that the information was provided verbally in reports and in various letters and memoranda. The Hon. Mr Cameron's third question was, 'Why was the relevant documentation related to the notification not tabled?'

All relevant documentation was tabled. I repeat what I said earlier today: I think, to this moment, 17 documents have been tabled concerning this matter. In addition, I offered any member of the Opposition the opportunity to inspect Health Commission files concerning this matter and to discuss matters with Health Commission officers if they required further information, but the Opposition preferred the technique of the scurrilous allegation.

The Opposition prefers to descend to the gutter and to slander senior officers of the South Australian Health Commission. If members opposite think that there is any political mileage in the big lie and the scurrilous slander, I believe that the truth will out and that they will get their comeuppance at the ballot box.

As I said, all relevant documentation was tabled. I offered the Opposition the opportunity to inspect Health Commission files and to discuss matters with Health Commission officers if they required further information. None of those offers has been taken up. Also, I undertook to make officers and files freely available to any investigation that the Public Accounts Committee wished to undertake. I further reported today that any individual who felt aggrieved by the actions of any officer attached to the Lyell McEwin or the Health Commission should see the Ombudsman about it.

Clearly, we have had the Auditor-General involved since the 1984-85 financial year. I do not know what more I can do. Obviously members opposite do not want the truth: they want to continue the scurrilous slanders, the inuendo and the half truths. The Hon. Mr Cameron's fourth question was, 'Will the Minister now arrange for the tabling of this information?' Apropos the various documents that he talked about today, I must say at this point I am disinclined to do so. However, I will take that question on further notice pending the outcome of the debate.

The Hon. R.I. Lucas: You said you would—

The Hon. J.R. CORNWALL: I said that I would take the question on further notice pending the outcome of the debate. I will not allow the Hon. Mr Lucas, the Hon. Mr Cameron or anyone else to continue witchhunts about officers of the commission. There will be an end to it—

The Hon. R.I. Lucas: You have misled the Council—

The Hon. J.R. CORNWALL: I have not misled the Council on this or on any other occasion. The Hon. Mr Lucas does not know what honour is; he deals in a most dishonourable way. He is an inventor of stories and, as I have said, his perverted pursuit of the Minister of Health really does this Parliament no credit at all. The Hon. Mr Cameron's fifth question was, 'Was the Chairman of the hospital board and all other people mentioned in the previous question notified immediately the commission became aware of the falsification of returns to the commission, that is, to use their own dates in July 1983?' The form of the question is not factual. Information concerning the falsification of returns to the commission was relayed according to the answer to question 1, which I have already given. Details are outlined in pages 1 and 2 of the external auditor's interim report to the board of management dated 27 October 1983, which I have already tabled.

Question No. 2 asked by the Hon. Mr Burdett, was, 'Who prepared and lodged the first return on behalf of the Lyell McEwin Community Health Service?' The first return was signed on 9 July 1983 and lodged by the acting Chief Executive Officer of the hospital.

The Hon. Mr Burdett then asked, 'Who asked for the first return to be withdrawn and requested a second return?' An officer of the Central Sector office of the South Australian Health Commission asked for the first return to be withdrawn and requested a second return. This officer operates under the direction of the Executive Director of Central Sector. The action was taken following the decision to provide the hospital with additional cash at the end of the financial year on account of its overrun.

The annual returns prepared by health units are reports indicating how they spent cash provided to them by the commission. Had it not been decided to provide additional cash to the Lyell McEwin Community Health Service, it would not have been necessary to amend the original return. Cash required by a hospital to fund its overrun may be provided from either the commission or from another source, such as the hospitals capital account. If cash is provided from another source, this is revealed in the published audited financial report of the hospital.

The commission may provide additional cash for overruns subject to availability of funds, as I pointed out in this Chamber earlier this week, and this represents cash in excess of a hospital's approved annual funding allocation. The practice of providing cash, but not providing a formal funding allocation increase, leads to reporting by the commission to the Parliamentary Estimates Committee in the document titled 'Supporting Information for the 1983-84 Year' that the health unit had over-spent its allocation.

I will return to the supporting information of the 1983-84 year and to the parliamentary Estimates Committee in a moment. The third question asked was, 'Who prepared and lodged the second return and who authorised that return?' The answer is that the second return was prepared by either the Secretary/Accountant or the Acting Chief Executive Officer of the hospital and comprised amendments to the finance data only. The third series of questions were asked by Mr Griffin. He asked, 'Will the Minister table the letter forwarded on behalf of the Health Commission to the Lyell McEwin Community Health Service indicating that the credit would be made and the copies of any internal memoranda between relevant officers of the Health Commission approving such a credit?' The answer is 'Yes', I am willing to table the letter dated 1 August 1983. I seek leave to table that letter.

Leave granted.

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

That the letter be authorised to be published.

Motion carried.

The Hon. J.R. CORNWALL: To put the letter in its proper context, it is necessary to provide a brief explanation of the way the Health Commission funds health units, including the Lyell McEwin. Each year, in the period March to June, detailed negotiations are carried out with each health unit leading to the setting by the Health Commission of the approved annual allocation for the following year. This allocation is set on a global basis, that is, the boards of management of the health units have complete discretion over actual expenditure. During the course of each financial year health units are provided with additions to their approved allocations for such unavoidable costs as award increases, but in general the Health Commission insists that expenditure be contained within the approved allocations.

However, it is the health units that advise the Health Commission how they intend to spend their global allocation. These cash funds are provided at the beginning of each month, based on a cash forecast provided by each health unit. Of course, the cash flow forecasts provided by the health unit to the Health Commission are only esti-

mates, but they must be reconciled exactly retrospectively. The letter dated 1 August 1983, signed by Mr D.J. McCullough, Director of Administration and Finance of the Central Sector, was sent to the Lyell McEwin to help it reconcile figures for the year 1982-83. The purpose of the letter was, primarily, to reconcile exactly the cash advances that had been provided to the health service. The letter is not an approval for the expenditure of additional funds. I stress that it is merely a reconciliation of the cash provided.

The Lyell McEwin overran its approved allocation by $148 951.06. Although the cash was provided to meet this expenditure, the approved allocation was not adjusted accordingly. This procedure is necessary to ensure that the overrun is reported to the Parliament through the reports provided to the Estimates Committee as, indeed, the $148 951.06 was so identified in the document 'Information supporting the 1983-84 Estimates'. There it is—the blue book 'Information supporting the 1983-84 Estimates'! How is that for a cover-up? The amount is identified clearly under 'Non-teaching, metropolitan—Lyell McEwin—$148 951'. It is a public document. It was produced and given to the Opposition to support the 1983-84 Estimates. There it is—$148 951—a public document. That is a hell of a cover-up!

Members interjecting:

The Hon. J.R. CORNWALL: We will come to that in a moment. That is the public amount. Although the cash was provided to meet this expenditure, the approved allocation was not adjusted accordingly. This procedure is necessary to ensure that the overrun is reported to the Parliament in reports provided to the Estimates Committee. There it is, in black and white.

Members interjecting:

The Hon. J.R. CORNWALL: They are not too sharp. They are not dealers in truth but in scurrilous allegations. They are personality assassins. If it is not the perverted pursuit of the Minister of Health, it is the even more scurrilous and scandalous pursuit of senior officers in the Health Commission, who are unable to speak out publicly in their own defence.

They do not mind the slander: that is the stock in trade of the desperate men and women of the Opposition—and they will be in Opposition for a very long time. I will be retired before we will ever see these desperates in government, and I have a few years in me yet, I can assure honourable members. As a matter of interest, my blood pressure on Monday morning was 115/75. As to all these stories that young Mr Lucas pushes about my early demise, let him come down to West Beach any morning and I will take him on over a couple of miles, and we will see who is fit.

The Hon. R.I. Lucas: Not with you, thanks.

The Hon. J.R. CORNWALL: I am sorry: I did lapse. I said earlier this week that my mother told me never to keep bad company. I apologise for that lapse, for thinking that I might be seen publicly, privately or anywhere else with the Hon. Mr Lucas is more than the human condition can bear.

The Hon. Frank Blevins: They don't allow dogs on the beach down there, anyway.

The Hon. J.R. CORNWALL: They do not allow dogs on the beach after 8 a.m., anyway. The second question was: does the Minister acknowledge that there appears to be a conflict in the situation because the person authorising the payment of additional moneys was the very person sent by the Health Commission to investigate the financial mismanagement of the hospital? No, there was no conflict of interest. The additional cash funds to meet the funding overrun above the approved allocation were provided on 29 July 1983, and confirmation of the bank transfer was made in the letter dated 1 August 1983, which I have already tabled and which was sent by Mr McCullough. Mr McCullough has the delegated authority to approve payment of funds; he does not have the delegation to approve an increase in the approved allocations. This delegation rests only with the Executive Director of the sector, who has the delegated authority to approve funding allocations up to the total funds available to the sector, and who authorised this perfectly normal and proper action being taken by his Director of Administration and Finance.

Mr McCullough was first sent to the Lyell McEwin in August 1983. This was after the matters contained in the external auditor's interim report, dated 27 June, were brought to the attention of the commission. Neither the commission nor the external auditor were aware of some of the the most serious aspects of the financial mismanagement until some time after commission officers began their investigations, and certainly some weeks after he had signed the cash reconciliation letter dated 1 August 1983.

The next series of questions concerned similar matters—I will answer them in general terms—and were asked by the Hon. Mr Lucas, and I said yesterday that I did not intend to dignify them specifically with answers. In general terms, I can respond to them best by reading to the Council and into the record a minute that was sent to me by Dr W.T. McCoy, Executive Director of the Central Sector.

The Hon. R.I. Lucas: When is this dated?

The Hon. J.R. CORNWALL: It is dated 29 August 1985.

The Hon. R.I. Lucas: Today?

The Hon. J.R. CORNWALL: Today, that is right. It states:

> Re: Question asked by the Hon. R. Lucas concerning the change in dates in which I reported that officers of the South Australian Health Commission were seconded to the Lyell McEwin Health Service.
>
> I think you will appreciate that, in the last week, I have been involved in extensive investigations and the writing of many memoranda. In my minute to you of 22 August 1985, I indicated that Messrs McCullough and Lamberts were seconded to the Lyell McEwin Health Service after the completion of the financial year and I thought that it was July.

When Dr McCoy wrote that memo he was relying on his memory. He goes on:

> During many subsequent discussions with officers in which events held have been recalled, I ascertained that the June 1983 report, which had been sent to the Chairman of the board, had not been immediately made known to the commission. In fact, it was mid-August when that reort was brought to the Commission's attention and, on receipt of that advice, I immediately seconded Messrs McCollough and Lamberts. The month was August, not July, as stated in my earlier minute. I sincerely apologise for misleading you on that matter, which was unintentional and due to my inaccurate memory of the precise time of events two years ago.
>
> It also follows that in the summary. It should have indicated that the Commission became aware of serious financial management deficiencies in August (not July) 1983, and the falsification of returns came to light in October after a Health Commission officer had discovered an anomaly of approximately $100 000 in the bank reconciliation as at 30 June 1982.

The Hon. M.B. Cameron: At what time was this letter written?

The Hon. J.R. CORNWALL: May I have a bit of protection, please, Mr Acting President? The letter continues:

> In any event, the actual time seems absolutely of no consequence.

Members interjecting:

The Hon. J.R. CORNWALL: Well, you want to continue your denigration of Dr McCoy. You do it and see how that goes down in the community.

Members interjecting:

The Hon. J.R. CORNWALL: You ought to be ashamed of yourself, but you can reply under privilege. That is not something—

Members interjecting:

The ACTING PRESIDENT (Hon. R.J. Ritson): Order! The honourable Minister has the floor.

The Hon. J.R. CORNWALL: That is not something that is available to my senior officers, and those cowards sit there, in the most scurrilous and disgraceful way and denigrate and slander senior officers of the Health Commission. They ought to be damn well ashamed of themselves for doing so.

The Hon. R.I. Lucas: You misled the Council.

The Hon. J.R. CORNWALL: I misled nobody. I certainly did not mislead the Council.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: He really is the p-i-t-s, the absolute pits, and he is not worth raising my blood pressure. He has no form, no class, not much intelligence, and certainly no experience in the real world: straight from the university to be a research officer with the South Australian branch of the Liberal Party, and then to be a provincial politician on the backbench in Opposition—what a record! My goodness me!

After that slight digression, I return to my memo:

In any event, the actual time seems absolutely of no consequence. Messrs McCullough and Lamberts went out when matters were brought to our attention.

The provision of additional cash in July when the Health Services's actual expenditure for 1982-83 was known was a routine matter handled by officers of the finance section of this sector. The precise figures were known both by the commission and the Health Service. It was for that reason that the exact amount required was provided. The fact that the hospital over-ran its budget was not concealed and was reported to the Parliament in the document titled 'Information supporting the 1983-84 Estimates'.

That is the public document to which I have already referred. So there we have it. So much for the cover-up that never was, and so much for the slander and the disgraceful behaviour of this desperate Opposition. I said at the outset of this invented scam that I had nothing to fear and nothing to hide. At this stage, Sir, I have tabled 17 documents—there is some open government for you; I have revealed quite clearly that matters at the Lyell McEwin Hospital, and more recently the Lyell McEwin Health Service, had been unsatisfactory over a period of at least five years. They were unsatisfactory continually during the period of the Tonkin Government, from September 1979 through to the 1982-83 financial year—and remember that that was the last budget brought down by the Tonkin Government. So, on the one hand, we have the former Minister of Health saying, 'I could not have possibly known; there can be no culpability attracted to my door. I could not have known, and that is backed up in a newspaper article.'

The Opposition says there is no way that the former Minister could have known, but suddenly the omniscient Cornwall comes in and in seven months all sorts of things start to happen but, by a perversion of the Westminster tradition, somehow or other I am supposed to be culpable or responsible for every single officer, health unit and hospital in South Australia. That, of course, is a complete perversion of fact but, like everything else in this drummed up scam, it is just too ridiculous to contemplate.

At the outset I said that it was a silly motion; that if it had been directed only at me I would not have taken up anything like the time that it has been necessary for me to take up. It has never been a reflection on me. The attempt to try to push it back on me as Health Minister is obviously a joke in poor taste. I know that this Council will vote accordingly, but I can never forgive and I will not forget the slander, the slur and the libels that have been perpetrated against senior officers of the Health Commission. They certainly have their recourse through the Crown Solicitor to the courts.

Whether or not they opt to take that course is entirely up to the commission. That is not a matter in which I intend in any way to interfere. It is not a matter in which I have interfered to this moment, nor on which I have even commented to the Chairman of the commission or to any other senior officer. I will not comment further. Suffice to say that the Crown Solicitor's advice is that at least one article which was directed at senior commission officers was grossly libellous. That is a matter for the courts, and we will leave it for them to decide.

I repeat what I have said: it is silly, stupid, and from my point of view I have nothing to fear or hide. However, I cannot forgive, and I will not ever forget, the disgraceful behaviour, the slurs and the slanders cast upon highly respected and senior officers of the Health Commission, including members of your profession, Dr Ritson.

The Hon. R.I. LUCAS: In the three years that I have been in this Council we have been confronted with many allegations of this particular Minister of Health being involved in cover-ups, the most famous being the ANOP survey scandal, where the Minister was caught red-handed and suffered the personal humiliation of being the only Minister—in the history of the South Australian—

The Hon. J.R. CORNWALL: I rise on a point of order. I do not think this has anything whatsoever to do with the matter before the Chamber, Mr Acting President, and I ask for your ruling.

The ACTING PRESIDENT: There is no point of order involved. The Hon. Mr Lucas.

The Hon. J.R. CORNWALL: Hang on a minute. It has absolutely nothing to do with the motion, which I will read to you, Mr Acting Speaker. The Hon. M.B. Cameron has moved:

That the Minister of Health be censured for his failure to provide publicly all the necessary documentation to establish the full facts about financial mismanagement at the Lyell McEwin Community Health Service.

What has this to do with what he is saying?

The ACTING PRESIDENT: Is the honourable Minister claiming the general rule of relevance or taking a point of order?

The Hon. J.R. CORNWALL: I am claiming the general rule of relevance. I cannot see that the Hon. Mr Lucas' remarks are related to the Lyell McEwin Health Service, necessary documentation, or anything else.

The ACTING PRESIDENT: I think that the remarks fall within the general latitude granted by the Council from time to time. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you, Mr Acting President. The Minister was caught red-handed and suffered the personal humiliation of being the only Minister in the history of the South Australian Parliament to have a formal no confidence motion successfully moved against him. I almost (but not quite) felt sorry for the sad, desolate, little Minister on that occasion as all his colleagues on the left and the right deserted him.

We know that all the ALP members are members of a faction, but it appears that this particular Minister is the only member of his own faction, the 'left right out' faction. Whenever there are allegations of a cover-up I employ my patented Cornwall cover-up test. You, Mr Acting President, will be most interested to know the two essential ingredients of the Cornwall cover-up test. First, if after questioning the Minister grits his teeth, clenches his fists and goes white as the colour drains from his face, you suspect you are on to something. However, if the Minister then gets on his high chair and climbs into the gutter of personal abuse and vilification, refusing to answer questions, then you know you are on to something.

The Cornwall cover-up test has struck oil again in the past week. As soon as we caught the Minister last week tabling doctored documents in this Chamber, documents with all the critical appendices removed (but not acknowledged by the Minister), it was clear that the Minister was up to his neck in some sort of cover-up. All this week—and he has continued his disgraceful performance again tonight—he has abused and vilified members in this Chamber. He has also clutched the final straw of the desperate politician and started media bashing. He has abused and vilified the afternoon newspaper in this State, and has abused and vilified a particular journalist in this State, Mr Frank Pangallo.

The Minister has abused and vilified that journalist. Talking about slurring, slandering and maligning the professional reputation of persons in South Australia, let us look at the reputation of this sad little man. I congratulate the *News* and in particular the journalists involved on their fearless determination to pursue the truth in this matter and on being prepared to stand up to the personal vilification and abuse of the Minister, while having the tawdry threats of legal action hanging over their heads.

While there has been a long history of financial mismanagement, referred to in various auditors' reports, I want to concentrate on the matter of falsification of returns and the cover up of those falsified returns.

The Hon. K.L. Milne: That is not what the resolution is about.

The Hon. R.I. LUCAS: That is exactly what the resolution is about.

The Hon. J.R. CORNWALL: I rise on a further point of order: to date, the Hon. Mr Lucas has not addressed himself to the motion at all. He has been given enormous latitude by the Chair, while indulging yet again in his perverted personal vendetta against me. However, as the Hon. Mr Milne pointed out by way of interjection, his remarks are not relevant to the motion:

That the Minister of Health be censured for his failure to provide publicly all the necessary documentation to establish the full facts about financial mismanagement at the Lyell McEwin Community Health Service.

Falsification of records or anything of that nature is not referred to.

The ACTING PRESIDENT (Hon. R.J. Ritson): It is true, as the Minister says, that the debate has tended to be about the quality of debate rather than the motion before the Council. This has been the case in relation to members on both sides of the Council. I am sure that it is the hope of all honourable members that the subject matter of the motion should be the main thrust of debate. The Hon. Mr Lucas.

The Hon. R.I. LUCAS: Thank you, Mr Acting President. I want now to provide a potted summary of what has occurred in respect of the falsification of returns and the cover up, which is pertinent to the lack of tabling of documents required by the Opposition to establish the truth in this matter.

At the end of June 1982 it was clear that the Lyell McEwin Hospital had overspent. Clearly, certain officers at the Lyell McEwin Hospital felt that the deficit was too high for 1981-82, so they decided to reduce the hospital's deficit for 1981-82 by $106 000. They chose to do that by understating the hospital's expenditure for 1981-82 by an amount of $106 000. In 1982-83 they had to balance this transfer of $106 000 extra expenditure by a similar amount of extra income, and by April/May/June they had somehow to pick up an extra $106 000. The problem is that, in effect, they falsified returns for the period April/May/June of 1983 to the tune of $106 000. I seek leave of the Council to have incorporated in *Hansard* a table from the report of the private auditor, Mr Venn, of 27 October 1983. It is purely statistical. It lists the amounts claimed and received, purported to be actual expenditure during those three months, and the actual expenditure that occurred resulting in the variation totalling some $106 000.

The ACTING PRESIDENT: Can the honourable member assure the Council that it is purely statistical?

The Hon. R.I. LUCAS: Yes, Sir, it is a table from the report, which was tabled in total previously.

Leave granted.

EXTERNAL AUDIT

Month	Amount claimed and received purported to be actual expenditure	Actual Expenditure Incurred	Variation
	$	$	$
April 1983	257 020.50	217 020.50	40 000.00
May 1983	255 356.20	230 356.20	25 000.00
June 1983	280 419.16	239 172.00	41 247.16
	$792 795.86	$686 548.70	$106 247.16

Our inquiries also indicate that an amount of $107 913.74 was entered into the records of the hospital as at 30 June 1982, as follows:

Posting Details	Account Number	Dr.	Cr.	Effect of entry
Bank—Imprest Account	22001	106 291.42		Reduces Bank overdraft and operating deficit for 1981-82
Salaries—Regd. Nurses	81310	1 622.32		Adjustment to salaries to clear account 2099.
Salaries and wages—gross (unallocated)	20900		107 913.74	Reduces gross salaries for the year ended 30.6.82 in order to reduce the 1981-82 operating deficit.

The Hon. R.I. LUCAS: We come to the period April to June 1983, and there are three false returns claiming $106 000 from the Health Commission to which the Lyell McEwin was not entitled. That is the second part of the alleged scam that the Hon. Dr Cornwall is talking about.

In June 1983 the Lyell McEwin came across another problem—the same one as it had in June 1982. Its deficit was too high by a projected $213 000. What did the officers of the Lyell McEwin decide to do in June 1983? They decided to understate their expenditure by $148 000 so that they could reduce by that amount their deficit for 1982-83, in exactly the same way as they had reduced their deficit in 1981-82 by $106 000.

The Hon. K.L. Milne: They brought that forward and it was in the $148 000.

The Hon. R.I. LUCAS: Yes, it is a flow-on.

The Hon. J.R. Cornwall: It is recorded here.

The Hon. R.I. LUCAS: No, it is not recorded there. They then had to falsify a June return by understating expenditure by $148 000. The Minister proudly waves around the blue book, as we know it, saying that it is revealed there. That is not correct. That is a misleading statement by the Minister. All that blue book shows is that, after all this was stitched up—and I will come to that later—it was reported to Parliament during the Estimates Committee that supplementary funding had been provided. There is nothing in the blue book about falsified returns. I challenge the Minister to stand up now and show where it talks about falsified returns. It is in exactly the same terms as supplementary funding given to all the other hospitals in that period. For the Minister to stand in this Chamber and say that this is a public document and that it solves the problems is complete nonsense and an attempt to mislead this Parliament.

A false return had to be lodged on 9 July 1983—a false return understated by $148 000. Then, mysteriously, some time late in July—remembering that the return was lodged on 9 July—a second return was lodged for the correct amount. The minute tabled today by the Hon. Mr Cameron from the finance committee—

The Hon. K.L. Milne: It was not mysteriously.

The Hon. R.I. LUCAS: At that stage it was mysterious.

The Hon. K.L. Milne: Not mysteriously.

The Hon. R.I. LUCAS: The Hon. Mr Milne does not understand it.

The Hon. J.R. Cornwall: He is one of the most senior accountants in the State.

The Hon. R.I. LUCAS: He obviously has not looked at the books.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Well, he can. But let me explain it. On 25 July 1983 there was a verbal promise from the Health Commission for supplementary funding of $190 000. On 29 July the Health Commission credited the Lyell McEwin's bank to the tune of that $190 000, and in a letter dated 1 August 1983 Mr McCullough confirmed the supplementary funding of $190 000.

The memo of 26 August from Dr McCoy, which has now been recanted—and I want to deal in much greater detail with the other inconsistencies of Dr McCoy's letter of 26 August 1985—said that in August and September 1983 Mr McCullough and Mr Lamberts went into the Lyell McEwin. If Mr McCullough and Mr Lamberts went into the Lyell McEwin in August and September, it is quite clear that they were not there when the falsification of returns and decisions to supplement funds were made in July 1983, if that is correct.

However, Dr McCoy in his memo of 22 August says that Mr McCullough went to the Lyell McEwin in July 1983. We now have the latest memo of 29 August from Dr McCoy changing that date back again and saying that it is August and September. It appears that, depending on what day of the week it is, we get different dates as to when Mr McCullough and Mr Lamberts went into the Lyell McEwin. The question in this question of cover-up is why the Minister tabled the memo of 26 August but did not want to table that of 22 August, when it was directed to him as Minister of Health.

He chose instead to table a memo of the 26th, which was directed not to the Minister but to the Chairman of the Health Commission. Did the Minister or someone else request that the dates be altered in those two memos of 22 and 26 August? It is quite clear that yesterday the Minister was not prepared to answer those questions.

I now refer to the reports of the auditor, Mr Venn. Once again, when we are talking about persons with a professional reputation having their reputation slandered and slurred by the Minister, we can clearly refer to Mr Venn, because the Minister of Health in his ministerial statement has maligned the professional reputation of the private auditor, Mr Venn.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: We will have that on the record. The Minister is alleging that there are things that the private auditor, Mr Venn, missed—did not pick up. He is obviously alleging that the private auditor has been derelict in his duty, because he is saying—

The Hon. J.R. Cornwall: No.

The Hon. R.I. LUCAS: Let us ask the Hon. Mr Milne. The Minister is saying that the auditor missed things—did not pick them up. As an auditor, Mr Milne would well know that the Minister is casting a quite grave slur and slander on the professional reputation and integrity of Mr Venn, a highly respected private auditor here in South Australia.

The Hon. K.L. MILNE: I rise on a point of order. If the honourable member is going to attack the reputation of the external auditor, he should understand that an auditor is not on the job every day of the week. It is not a question of whether or not he missed it.

The ACTING PRESIDENT (Hon. R.J. Ritson): Order! The honourable member does not have a point of order, but an opinion on the debate.

The Hon. K.L. MILNE: I wish to make a personal explanation.

The ACTING PRESIDENT: I advise the Hon. Mr Milne that a personal explanation may be made when no other member is speaking. The Hon. Mr Lucas has the floor.

The Hon. K.L. MILNE: No-one is speaking now. I am sure that honourable members will give me time just to say—

The ACTING PRESIDENT: Order! I will not give the honourable member time to say that. The Hon. Mr Lucas has the floor, and the Hon. Mr Milne will have an opportunity to make a personal explanation.

The Hon. K.L. MILNE: I have not got a personal explanation. It involves an accusation against a colleague of mine, in the same profession.

The ACTING PRESIDENT: Order!

The Hon. R.I. LUCAS: From that short contribution by the Hon. Mr Milne, I can say that I agree with him that it is quite right that an auditor is not on the job doing the audit for months on end, because he is doing audits all over the place. It is not his responsibility in particular to be doing months of reconciliations of bank accounts and going back through all these juggled, fiddled or whatever, entries that honourable members want to talk about. It is quite clear that that is not an auditor's responsibility. That is why I looked, perhaps quite incorrectly, to the Hon. Mr Milne's experience in this matter, because he would understand that.

That is why I say that it is most unfair of the Minister in his ministerial statement again tonight to reflect on the professional reputation and integrity of a most respected auditor in South Australia. In his ministerial statement, the Minister indicated that the auditor missed things and that the only reason he found them was that the Health Commission sent in its officers, Lamberts and McCullough, who found the falsified entries and told Mr Venn. That is a most disgraceful accusation from the Minister from the relative safety of coward's castle. Mr Venn's report of 27 October 1983 (at page 3) states:

> Whilst we are satisfied that with the exception of the $106 000 there were no items of expenditure manipulated without the knowledge of the South Australian Health Commission during the year ended 30 June 1983, we certainly question the ethics involved in such a practice and to what extent, if any, these matters are reported to your board.

The auditor is saying that the Health Commission in 1982-83 knew about the expenditure manipulations to which I referred. That is the allegation made by the most respected private external auditor, Mr Venn. His fourth report of 12 December 1983 (page 2) states:

> Our inquiries indicate that the commission accepted all returns for the year ended 30 June 1983 without query or verification and that there was no requirement for the main bank account to balance to nil, as is the current situation.

The Hon. Mr Milne as an auditor would well know the significance of that statement by the private auditor. Further, it was stated:

> The commission's letter dated 1 August 1983 clearly states the net effect of these payments resulted in a nil bank balance as at 30 June 1983. We believe that it is reasonable to assume that, if the commission accepted that the main bank account would reconcile to nil as a result of the additional funding, they [the Health Commission] would have also realised that it would not have reconciled without that funding.

It is quite clear that the private auditor, Mr Venn, in both those reports indicated that the Health Commission knew about these expenditure manipulations that were occurring late in 1982-83. That has never been made clear by the Minister in this Council. The Minister responded to Mr Venn's allegations at page 8 of his ministerial statement. In attempting to defend the most serious allegations made by Mr Venn, the Minister quoted from two documents, which he tabled. One document was the Health Commission internal audit unit report of February 1984 (page 15) which states:

> In view of this—

that is, all the fiddling that was going on—

> we believe it to be quite conceivable that Central Sector personnel were not involved in or had knowledge of the falsification of the returns as implied by the external auditors.

The Minister further said in that ministerial statement that that was not strong enough, because it left the matter open. They may well have been involved or there was a possibility that they were involved. So, a memo was written to the chief internal auditor asking him to reconsider the situation. On 14 March, he sent the Executive Director, Central Sector, the following information:

> In connection therewith—

that is, whether the Health Commission knew of the fiddling that was going on—

> we examined—

that is the Chief Internal Auditor, I take it—

> accounting and other records and obtained information and explanations from the sector office's finance personnel. As agreed with the hospital's Chief Executive Officer, we did not question either the officers responsible for the preparation of these summaries or the external auditors. We found no evidence to support the external auditor's allegations.

The auditors were sent in to see whether the Health Commission's officers, as alleged by Mr Venn, knew about the fiddle, and what happened—they agreed with the hospital's Chief Executive Officer to not question the officers responsible, and not talk to external officers, either. That is amazing. There was an allegation by the external auditor that officers in the Health Commission knew about the expenditure manipulations, yet the auditors sent in made an agreement with the Chief Executive Officer that they would not talk with the officers responsible and would not talk to the external auditors.

The Hon. J.R. Cornwall: That's not right.

The Hon. R.I. LUCAS: That is what they said. They also said that they found no evidence to support the external auditor's allegations. No wonder they did not find any evidence: they did not talk to the officers responsible or the external auditors. If you are going to conduct an investigation, you at least ought to talk to the people responsible for the fiddle or those who allegedly know about it. Instead, an agreement was made with the Chief Executive Officer. The Minister in this cover-up, in refusing to table all the documents earlier, has the hide to make a Ministerial statement that the documents from the Chief Internal Auditor and the internal audit unit refute the allegations of the private auditor, Mr Venn. What absolute nonsense! What absolute garbage!

The Hon. J.R. Cornwall: Who are you accusing?

The Hon. R.I. LUCAS: I am accusing the Minister, and there is plenty more to come.

The Hon. Anne Levy: Are you going to keep us here all night?

The Hon. R.I. LUCAS: I will go for as long as the Minister went. I refer to a statement made by the Chairman of the Health Commission, Mr Gary Andrews.

The Hon. J.R. Cornwall: Professor Gary Andrews.

The Hon. R.I. LUCAS: I am sorry, Professor Gary Andrews. I refer to an interview with the *News* of 25 August, as follows:

> The South Australian Health Commission Chairman, Professor Gary Andrews, denied the $148 000 was related to the falsification of an entry.

I understand that there is some documentation available to indicate that that is not a misprint and that the Chairman of the Health Commission was not misquoted in that particular instance. I do not normally take umbridge with statements of the Chairman of the Health Commission, but on this occasion quite clearly that statement is wrong.

It is quite clear from the documents tabled by the Minister in this Chamber in the past two days that the $148 000 relates to falsification of entries. Therefore, I cannot understand why the Chairman of the Health Commission tried, through the media, to head off the inquiry that the Opposition has been pursuing this week by saying that it had nothing to do with the falsification of an entry. It is quite clear that it did, and I do not think that there is any member in this Chamber now who can stand up and say that that is not the case.

I now refer in some detail to what I call the 'McCoy memo': the memo from Dr McCoy dated 26 August 1985. As I argued yesterday, there were significant inconsistencies in this, and I have already referred to one in relation to the fact that, when Mr Lamberts and Mr McCullough went into the Lyell McEwin, this document stated August-September whereas a previous document stated July.

We now have a further memo from Dr McCoy read out today admitting that the information given by the Minister in this Chamber was misleading. If one checks *Hansard* in relation to what the Minister said about my questions yesterday, one will find that the Minister described them as scurrilous allegations and untrue. We now have the Minister in a humiliating position, within 24 hours, of having to admit that what he said yesterday was untrue. In effect, the Minister has now conceded that what I said to him yesterday was quite correct. Dr McCoy has now admitted that the documentation that he provided to the Minister was incorrect in two quite significant areas.

The Hon. J.R. Cornwall: But certainly not deliberately so.

The Hon. R.I. LUCAS: I am not suggesting that it was deliberate. If the Minister wants to suggest that, it is up to him. Page 1 of the McCoy memo of 26 August 1985 states:

> Immediately the Health Commission officers discovered this matter they brought it to the attention of the auditor.

The matter referred to was the $106 000 fiddle—not the $148 000 fiddle. Quite clearly, the auditor referred to is the private auditor. Dr McCoy has already conceded two errors in his internal memorandum of 26 August, and I intend to

point out what I believe to be one or two other significant errors in that document.

I do not know who is advising the Minister but he has certainly been poorly briefed in this matter. It is clear from the documents that the Minister tabled today, together with the Venn reports of September, October and December, that the commission officers did not advise Mr Venn immediately they discovered the $106 000 fiddle. That is if we are to believe the other aspect of the McCoy memo, that they found out about the fiddle some time in July or August.

It is a shame that, because of the ethics of his profession, Mr Venn is unable to defend the allegations made about him in this Chamber. My belief would be that, if he could, he would certainly deny the inference or allegation made in the McCoy memo and perpetrated by the Minister of Health in this Chamber. The Hon. Mr. Cameron more than adequately covered the last matter of the Venn report that I want to look at. I refer to the fact that the details of the fiddle were reported to various people, the Chairman of the board of management and others, the inference being that it was done immediately. The tabling of documents tonight and the recanting of some of the evidence or statements that the Minister made earlier indicate that it was not done immediately and that some of the people listed were not made aware of the fiddle until about October 1983.

The Hon. M.B. Cameron: Or somewhere in 1984.

The Hon. R.I. LUCAS: That is correct.

The Hon. J.R. Cornwall: But none were in 1980-81, or 1982, were they?

The Hon. R.I. LUCAS: I will come to that. The Minister is hoist on his own petard on that, also. Before going on, I would like to look at a three page document which the Minister tabled tonight, and which is entitled 'Extract from the minutes of meeting of the Lyell McEwin Health Service Finance and Administration Subcommittee to the Board of Management'.

One notes that the date of the document is today—29 August—so there has been some hurried work done there. The document refers to the meetings of 25 August and 29 September, when Messrs McCullough and Lamberts reported (particularly in September), to the finance committee or the board Chairman at these meetings and there is no mention of the $100 000 fiddle. The first reference to the fiddle is made at the meeting of 27 October 1983. The Minister read out the statement earlier, and I will read it again as follows:

> The point which raised most concern was that there was a discrepancy as at 30 June 1982 of $100 000 approximately.

It then went on. That was documented, according to the Minister's tabled document tonight, as at 27 October 1983. Coincidentally, that is the date of the Venn report that went to the hospital outlining for the first time the fiddles and discrepancies.

No mention is made in the previous meetings in August and September to the board Chairman or to the finance committee and the Minister tabled the documents of the fiddles that had been going on. The first report to the Chairman or to the finance committee as indicated in the documents was on 27 October.

The Hon. J.R. Cornwall: You know that's not right.

The Hon. R.I. LUCAS: It is there. The Minister tabled the documents. As I indicated, the Minister has quite clearly not understood the brief on this matter, and he tabled the document. The first time that the $100 000 is mentioned was on 27 October. One would assume that it did not come to light until some time between the September and October meetings of this finance committee or, if it came to light earlier, why was it not reported to the September meeting of the finance committee where the Chairman was attending? Why was it not reported? If it were known in August, as the Minister said, why was it left until October to report it? Once again, it is further evidence of the cover-up that has been involved in this matter.

I now refer to ministerial responsibility. In a statement in this Council on 22 August the Minister's own words were:

> It is my view (and I will put it very strongly) that to suggest that any Minister can be personally responsible for the financial accounting and management of 81 recognised hospitals around the State is, of course, to reduce the Westminster notion of responsibility to the absurd.

For the only occasion in this debate, I wholeheartedly agree with that statement of the Minister. It is nonsense to suggest that the Minister of Health, whether it be Mrs Adamson or Dr Cornwall, can know what is going on in each and every one of those 81 recognised hospitals. My personal view, for what it is worth, is that the Minister is responsible once the matter has become known to him or when he or she could reasonably be expected to become aware of those matters. Then and only then in my view ought the Minister be made responsible under the Westminster notion for what is going on in those health units. The Minister's own words, which I have stated, clear the Hon. Jennifer Adamson of any responsibility in this matter at all.

The first time that the serious matters of financial mismanagement were made known anywhere in the Health Commission was on 27 June 1983—a full eight months after the Hon. Dr Cornwall took over Ministerial responsibility.

The question that remains is when the Hon. Dr Cornwall first became aware of these grave allegations of financial mismanagement. For those who believe his word, and I do not place myself in the category of those who believe the Minister of Health, I quote from his answer of 22 August:

> As to how long I have been aware of the deficiences at the Lyell McEwin Hospital, I want to make clear that I was briefed by the Executive Director of the Central Sector quite early in 1983 concerning difficulties and deficiencies in the administration and the financial management of the hospital. I am unable to be specific about the date, but certainly reasonably early in 1983 I was made aware that there were difficulties and that there had been deficiencies.

The Minister is saying that he had been briefed by the Executive Director of the Central Sector, Dr McCoy, early in 1983 about these problems in the Lyell McEwin Hospital. However one defines 'early in 1983', it is clear that it is certainly much earlier than June, July or August 1983. If that statement of the Minister of Health is correct, it is an incredible admission that clearly implicates him even further in a cover-up because he is saying in his own words that, some three to six months before anyone else knew, Dr McCoy briefed him about these problems in the Lyell McEwin. As I said, I am not one of those who always believes what the Minister says. It may be, as we had tonight, the Minister will recant what he said with respect to that matter as well. We may have another memo, stating, 'I am sorry: that date is wrong, too.' Nevertheless, on the record at the moment we have the Minister saying that early in 1983 he and Dr McCoy knew what was going on in the Lyell McEwin Hospital.

The Hon. Martin Cameron also referred to the possibility that one of the letters not tabled might have been from the private auditor to the Minister. That document, if it exists, has not been tabled, and clearly it ought to be tabled in this Council if it exists. The question still remains as to when the present Minister was aware of the falsifications and the grave allegations of financial mismanagement in the Lyell McEwin.

It is clear that when he answered certain questions in Parliament in September and October 1984 the Minister would have known by then the problems of falsification of

records. I will look at two quotes in September and October 1984 from the Minister, bearing in mind that by then he would clearly have known of the problems of falsification of records. In September 1984 the Minister said in the House of Assembly Estimates Committee A:

> The Lyell McEwin Hospital is perhaps one of the unsung success stories of the health industry during the past 22 months. In 1982-83 an additional $300 000 was made available as a budget supplement . . .

Then, on 24 October 1984, in response to questions that I put to the Minister, he first confirmed that there had been supplementation for overruns in the Lyell McEwin Hospital. He then went on to say:

> The boards and chairmen of the hospital boards waited upon me very rapidly. I made very clear that they were not playing with kids, that they would be supplemented responsibly, that they would have to negotiate the supplementation, it would be agreed and it would be met. I disabused them very quickly of the idea that the halcyon days had returned.

Clearly, it is not the case that the supplementation of $300 000 that we are talking about was negotiated responsibly with the Lyell McEwin Hospital, because already we have been through the history of how that supplementation came about. It came about by falsification of returns, eventually being caught out, and then sums of money being paid across to correct the falsified returns. Quite clearly, if that is the definition of the Health Minister, and if that is responsible supplementation, then I will go he.

The $106 000 that was fiddled in April—June 1983 and then the extra $190 000 on 29 July 1983—and that particular $190 000 covered the $148 000 fiddle—gave a total of approximately $300 000. As I indicated, that is not responsible supplementation, but rather, in my view, irresponsible supplementation. It is clear that in September and October 1984 the Minister was aware of the fiddle, but he continued the cover-up and, in those answers and documents that I have quoted from September and October from the House of Assembly and the Legislative Council, the Minister did not acknowledge the fiddle and the cover-up that had occurred in the Lyell McEwin Hospital at that time.

Finally, we now know why the Minister tabled the documents last week; we now know why the Minister tabled only selective documents and is still tabling only selective documents; we know why the Minister refused to table certain critical documents; we know why the Minister refused to answer questions this week; and we know why the Minister gagged Question Time yesterday to prevent further questions. The simple answer is that clearly the Minister has been aware of the falsification for a long time and has participated in a most serious cover-up of those falsifications. As such, he is deserving of the censure of this Council.

The Hon. I. GILFILLAN: It seems to me that the issue for those who are more interested in facts than witch-hunts is to try to assess, if possible, what was the accurate knowledge of the mismanagement of the Lyell McEwin Health Service at various stages through 1983. Great play has been made of the fact that the Minister and others in the commission were aware of problems in the Lyell McEwin Hospital in early 1983. I think that knowledge was shared with most other South Australians. There is nothing new in that information, and I think that they would have been derelict in their duty if they had not been concerned and aware that there were problems.

As I understand it, as that problem became quite acute and from some of the material we were able to see (thanks to the generosity of the Leader of the Opposition, Hon. Martin Cameron) it appears that Mr Venn and Dr Reynolds, the new Administrator, were both conscious that there was no knowledge in the commission of the misappropriation or falsification of accounts in March, April, May and June of that year.

I found it very interesting to read part of a letter written by Dr Reynolds on 24 February 1984. I thought it rather illuminating about this issue because it states:

> The overstatement of the monthly returns to the Health Commission in April, May and June 1983 was done in order to ensure that the imprest account would reconcile to a nil balance at 30 June 1983 and the Operating Advance of $544 000 was able to be repaid to the South Australian Health Commission. Without these adjustments this would not have happened. Once again, these facts were not reported to the board or highlighted to the Health Commission.

I interrupt my reading to say that this made a point to me. I think that it is quite unreasonable to expect the Health Commission to be performing pedantic spot checking of the accounting. It is obvious to Dr Reynolds that the fact that it was not highlighted to the Health Commission is reasonable justification for the Health Commission not to be aware of that, which seems to be a reasonable point to make.

The Hon. M.B. Cameron interjecting:

THE Hon. I. GILFILLAN: That there had been a falsification of accounts in April, May or June.

The Hon. M.B. Cameron interjecting:

The Hon. I. GILFILLAN: That is what Dr Reynolds said. It had not been highlighted. If the honourable member read this letter carefully he would understand that it is not the Health Commission doing the highlighting but someone in the organisation of the hospital highlighting it to the Health Commission or reporting it to the board. Dr Reynolds says that that was not done.

The Hon. M.B. Cameron interjecting:

The Hon. I. GILFILLAN: Mr Acting President, could I have the protection of the Chair, please?

The ACTING PRESIDENT: The honourable member is holding his own.

The Hon. I. GILFILLAN: It is a bit tiring and tedious to do that at the same time as I am trying to follow this letter. It is important for me, at least, that I understand what was the extent of knowledge of the commission, and possibly the Minister, about the misappropriation and mismanagement at the Lyell McEwin Hospital during this period. It is common knowledge that there was to be a budget overrun. That was known and admitted by the commission. It is spelt out quite clearly in this letter, which I will now continue to read because it added to my awareness of the situation:

> The Health Commission monitors expenditure on a global basis rather than on a line by line basis. Accordingly, it would not be possible to pick up a falsification of the returns as the overstatements represented 3.8 per cent, 2.4 per cent and 3.8 per cent respectively of the gross operating expenditure. With regard to the two returns lodged with the Health Commission for June 1983 the following explanation is submitted. As previously explained, the budget issued by the Health Commission is a cash allocation. The service again overspent its allocation and was informed by the Health Commission that it was not prepared to fund the budget overrun and the June 1983 monthly return was to report expenditure in line with the level of funds provided.

My interpretation of that is that there certainly does not appear to be any connivance for a cover-up there. If there was this clear indication to the management of the Lyell McEwin Hospital that if they had any worries about keeping within their budget they were not going to get any sympathetic treatment from the commission, then it seems to me that that is not the method of operation of people who are conniving together to cover up some falsification or misappropriation of funds. The letter continues:

> This is in fact what happened when the first return was lodged on 9 July 1983 showing registered nurses expenditure at $131 468.10. Later in the month the Health Commission found itself in the position of having sufficient funds available to fund the overspending at this service and requested that a second return be submitted showing the actual expenditure incurred. The second

return was subsequently submitted showing the actual registered nurses salaries for the month of June as $280 419.16. In the case of the Health Commission only funding the service up to the level of the approved budget, the service would have had to fund the overspending level of $148 951.06 from the capital account in order that the Medibank account reconciled to a nil balance at 30 June 1983. In my view there is no question of manipulation, as implied in your letter of 27 October 1983, but merely the submission of financial returns to the Health Commission in accordance with the funds provided as distinct from expenditure incurred by the service.

Up to now there appears to be no connivance or attempt of falsification or cover-up by the commission. To me that seems to be satisfactory. However, I am not excusing the management of the Lyell McEwin Hospital. Obviously, it would be quite unacceptable, and no-one that I know of has attempted to defend that. The comments in the paragraph in the external auditor's report (which was quoted by the Hon. Mr Lucas) dealing with the hospital's knowledge of the $106 247 appear to be more substantial. The external auditor's report to the Chairman of the Lyell McEwin Community Health Service, dated 27 October 1983, states:

In summary, the above has resulted in the health service receiving $106 247.16 during the year ended 30/6/83 to which we believe it was not entitled and that a deliberate falsification of records made in order to disclose the actual situation. Our audit also revealed that two returns were lodged by the health service for the month of June 1983 to the Health Commission. The first return was lodged on 9/7/83 and disclosed $131 468.10 being actual salaries paid to registered nurses . . .

The report then spells out the details of the nurses salaries, to which I have referred. The next paragraph states:

In our opinion, it is apparent that the South Australian Health Commission for whatever reason during 1983 decided to advance additional funds to the hospital and that, in order to provide correct documentation, an amended monthly return had to be lodged.

To me this is a statement of fact. Maybe to the external auditor, for whatever reason, it was not apparent why those funds were translated into the hospital accounts. However, to me it seems satisfactory that additional funds became available to the commission after that time, or apparently became available to the commission after it had said to the Lyell McEwin Hospital administration, 'You must keep to budget. We cannot and will not fund any overrun.' Apparently there were available funds (recognised in this paragraph) which were then being made available to the hospital. The report further states:

The amended return lodged late July 1983 disclosed an amount of $148 951.06 greater than that for the original return. A letter dated 1/8/83 issued by the South Australian Health Commission specifically refers to an amount of $148 951.06, viz. being funding of $148 951.06 adjusted by $22 643.23 credit for the canteen receipts which we adjusted when making the May revenue adjustment and which you adjusted in June.

The final paragraph is significant, and is as follows:

Whilst we are satisfied, with the exception of the $106 247.16 referred to above, there are no items of expenditure manipulated without the knowledge of the South Australian Health Commission during the year ended 30/6/83.

It seems to me that the auditor is quite certain that the Health Commission did not know about the manipulation of the $106 247, as stated in that paragraph.

The Hon. R.I. Lucas interjecting:

The Hon. I. GILFILLAN: The balance of whatever the amount was (and the auditor uses the word 'manipulation') may well be covering the movement of credit from funds of the commission to the Lyell McEwin Hospital. I believe that this final paragraph, to which I have referred, satisfactorily explains that the commission did not have knowledge that there had been false manipulation of the accounts to the extent of $106 247—which was the amount adjusted in regard to nurses salaries in March/April/May. The auditor then states:

We certainly question the ethics involved of such a practice and to what extent, if any, that these matters are reported to your board.

I am not prepared to defend what has gone on at the Lyell McEwin Hospital. I think that it is a scandal and that it is quite proper that the matter should be brought up and investigated. In my opinion, no-one has attempted to cover it up. The energy of the Opposition in taking the lid off and looking at the facts of the matter is commendable. The impugning that there has been a deliberate lack of disclosure of information and an attempt to evade responsiblity is, in my opinion, something that has not been proven.

I am not convinced that that existed. There is the extraordinary fact of the memo, to which the Hon. Robert Lucas referred, in which there was an agreement with the hospital's Chief Executive Officer that the internal auditor would not question either the officer responsible for the preparation of these summaries or the external auditors. I do not quite understand that, from the information I have before me. It may need to be explained by some other source.

There has been most unfortunate mismanagement at the Lyell McEwin Hospital and the Health Commission and Minister have suffered as a result. There has been a change of personnel and of routine. I commend the Opposition in so far as these sorts of things must be brought forward. I consider that the matter has been blown into a personality and political exercise quite out of context. In the light of that, it is not my intention to support the motion.

The Hon. K.L. MILNE: I will speak more as a chartered accountant than as a member of Parliament. If we concentrate on the accountancy procedures and standards, we will find it all the more simple. Speakers so far have proved the obvious: that there has been a long period of mismanagement at the Lyell McEwin Hospital, which is quite irrelevant to the motion before us. There is no doubt whatsoever that a great deal of what the Hon. Mr Cameron and something of what the Hon. Mr Lucas said is quite true. There is no doubt whatsoever that there was a cover-up and a submission of some thoroughly dishonest monthly reports by the former administrator of the hospital.

That behaviour was most reprehensible. In fact, it was appalling. I do not recall hearing of such openly appalling behaviour. However, the person responsible is no longer at the hospital. He hid this matter from everyone else for quite a long time and he has to take a major part of the blame. We are talking about where the blame lies in relation to the documents and what occurred. The blame must lie very largely with the hospital administration. There were very bad decisions but no actual misappropriation of funds. There is no allegation that any individual illegally received money from the taxpayer.

I also place a great deal of blame on the hospital board. The external auditor wrote letters complaining about the accounting procedures on at least five occasions since 1978 and, I understand, never received a reply. Reports were written by the external auditor on 13 April 1978 to the administrator; 22 May 1979 to the administrator; and 7 April 1980 to the administrator—and members will note that the Government had changed. The administrator apparently did not discuss any of those matters with anyone else. However, on 19 June 1980 he wrote to the Chairman, and on 7 April 1982 he again wrote to the administrator. I understand that there was never a reply.

Either the Chairman did not get the 1980 letter, he did not understand it or he did not recognise its significance. The fact that he went to the Chairman's house at some stage to explain another situation does not necessarily prove that he had not had a letter in the past and had misunderstood what it was about. There has been a great deal of

misunderstanding by the administration—a typical example of putting the wrong people in charge of an organisation like that. They just did not understand what was happening before their very eyes.

Looking at the problem again from an accountancy point of view, in my view the handling of the situation by the commission officers left a great deal to be desired. Quite obviously, the commission staff did not have the accountancy and administrative experience to handle a crisis like this. In my opinion, they handled it very badly. But, honestly, in their own light, let us have no question of personal vilification: they did not understand its significance in a public hospital or its political significance, and they were going to handle it as if it involved putting right in the private sector an audit that had gone wrong.

I am very critical of the way in which this has been handled. Since neither this Minister, nor incidentally the Liberal Government Minister, had any chance of knowing what was going on because they were never told and would not know what to ask for: they would not be alerted because no-one told them that anything was even suspected of being wrong.

So, we really have the wrong motion in front of us. The figure of $148 000 or $190 000 is not so enormous and, when viewed in the total annual allocation to that hospital of $12 million or so a year, it is not so vital.

The Hon. Frank Blevins interjecting:

The Hon. K.L. MILNE: It is a lot of money, but it is not vital to the question that the Opposition has raised in this Parliament, because obviously it is not a matter for which the Minister was going to take the blame. The reimbursement of that money to the hospital without sufficient disclosure or making a big enough fuss—just doing it—was very unwise, to say the least, but not dishonest. The commission officers felt that they should discuss it amongst themselves, with the hospital, with the Minister and altogether, so they just filled in the gap of some organisation which had overspent its budget.

The Hon. M.B. Cameron: Did they discuss it with the Chairman of the board?

The Hon. K.L. MILNE: I do not know and I do not give a damn whether they discussed it with the Chairman of the board, but they thought that what they had done was sufficient. Obviously, it is not sufficient, but they thought that they had rectified the matter. It was a great mistake, but they did not understand the significance of the failure of the administration on the hospital side.

The fact that the administrator did not tell the board anything almost exempts the board, although I am not sure that it does so. There was this extraordinary gap between the administrator and others. The administrator was damned lucky to get out of it by being sacked.

The Hon. J.R. Cornwall: That is the previous administrator.

The Hon. K.L. MILNE: The previous administrator was very lucky to get out of it simply by being sacked, because of the trouble that he caused to everybody—

The Hon. M.B. Cameron: He's been privatised!

The Hon. K.L. MILNE: Yes—to the board Chairman, the external and internal auditors and everyone else including the Opposition and this Parliament, is quite enormous. What the administration of the commission did was unwise, but not dishonest.

It was certainly not dishonest. There was no need to be dishonest. Those people had been in the game for many years and they were highly respected. In my view, a mistake was made. The main problem as I see it is that the hospital's external auditor was not required to report to the commission.

The Hon. J.R. Cornwall: Not at that time.

The Hon. K.L. MILNE: I will come to that. The external auditor, quite rightly, was not required to report other than to his client, the hospital (that is, according to privatisation, if we call it that). I agree that internal and external auditors should be seconded from within the Public Service. According to the ethics of the profession, the external auditor was not required or able to report to anyone else until he finally did his block and had to say something. So there was a gap. I understand that the situation has been corrected and that all the organisations under the Health Commission (the clients) and the Health Commission (which now is also a client) will receive reports from the auditors.

The Hon. J.R. Cornwall: We amended the Act.

The Hon. K.L. MILNE: Yes, and I commend the Minister for that, because there was a large gap. Normally, the system works perfectly well, but in this case it did not. I do not complain about the previous Government's administration or the early administration of this Government, because that is not fair. The matter has been rectified. The people concerned let everyone down, including the former Minister of Health and the present Minister. The Government has now rectified the position, so one hopes that no-one will be let down again.

I recognise the point put by the Hon. Mr Gilfillan: he and I can see that the case which the Opposition has put forward is genuine. It is probably right that the Opposition took this action, although perhaps it was done in the wrong House of Parliament. It is right that this matter should be aired: it is as well that the matter was brought into the open. I believe that the Minister has taken a great deal of action to rectify situations long before they were brought into the open, and, as a result of a mistake by either the Minister or one of his staff, it has been suggested that the Minister withheld documents. But, how do we know whether or not that occurred? I do not think that we know. I do not know whether or not that happened. We have been scratching around for days trying to find out what happened.

Members know what happens in a situation like this: one or two mistakes might have been made. The Minister might have been left open to criticism because he had to take what was put before him. The Minister deals with hundreds of other matters, especially when the Attorney-General is away, as he is then the Minister in charge of the Council. Therefore, he was not able to give the matter his full attention. The Minister might have omitted something, but I am not prepared to say whether or not he did it on purpose. I am prepared to give the Minister the benefit of the doubt and to say that he did not do it.

The Hon. J.R. Cornwall: That is not very gracious.

The Hon. K.L. MILNE: That was the accusation, but I am prepared to say that the Minister did not do it. We must decide tonight whether the Minister should take the blame. Under the Westminster system, there are some circumstances in which Ministers should take the blame for misdemeanours. However, on this occasion there is no blame—any more than one can blame the former Minister. If we look back we must look back to the former Labor Minister in 1978: that is where it started, so why are we condemning this Minister?

So, I am saying that the Minister should not take the blame because he did not have the information available to him. I feel that he should not take the blame in this case, any more than the previous Minister should. However, I think it is a lesson to all concerned in the commission to do better next time, if there is a next time—and I hope there is not. I do not intend to support the motion because I think it is the wrong motion for this set of circumstances, and it is in the wrong chamber.

The Hon. FRANK BLEVINS (Minister of Labour): I will be mercifully brief because there is little or nothing to which I have to respond in the defence of the Hon. Dr Cornwall. As other speakers have said, I am certainly not attempting to defend the previous administration at the Lyell McEwin Hospital. It seems at best pretty scruffy and at worst something much more serious. However, I point out that whatever over-expenditure was incurred at the Lyell McEwin Hospital, it was incurred one way or another in the care of patients; it certainly was not incurred to line the pockets of anybody. So, if we are going to get all hot under the collar, I think we should bear that in mind and keep this in perspective.

I just wonder how many hospitals in South Australia—indeed in Australia—overrun budgets. We all know that in the period in question (1979-1982) there was perhaps the greatest financial squeeze on hospitals, and therefore patients, that this State has experienced for very many years. Therefore the pressure that the hospital system was under was extreme. I suppose that is no excuse to do some creative accounting, and suggest to your superiors that you were coping better with the cost pressures than you actually were. I am not condoning it, but let us keep it in some kind of perspective.

Concerning the charge that there has been some kind of cover-up by the Hon. Dr Cornwall—the basis of the censure motion—there certainly were some very serious attempts at the Lyell McEwin Hospital to cloud the issue within the Health Commission. However, I am prepared to give them the benefit of the doubt in that it probably took some time for them to really get their hands on it and get it under control, and eventually they did. However, I personally do not think for one minute that the Health Commission has attempted to cover up anything. Concerning Dr Cornwall, I think I have seen more documents, papers, memos and other material published over the past couple of days than I have during the period that I have been in Parliament. In fact, they go right back to our period in Opposition when the Hon. Dr Cornwall tried to get information on this matter and the previous Government decided not to give it to him because it would have been costly to ascertain.

I do not accuse the previous Government of knowing of the problems at the Lyell McEwin that the Hon. Dr Cornwall was trying to bring out. I do not accuse it of trying to cover it up. I think the information probably was too expensive to find. I am certainly prepared to give the the former Government benefit of the doubt in that regard. I have no reason to do otherwise. However, to suggest that the Hon. Dr Cornwall has attempted to cover up this issue is plain nonsense. The information given to the Parliament stretches back over a number of years, both formally through the Estimates Committees and in documents that have been tabled over the past couple of days. If the Opposition had some queries about the $148 000 shown as an over-expenditure at the Lyell McEwin Hospital, they had the officers from the Health Commission before the Estimates Committees. There would have been no problem whatsoever in asking them about it, but they chose not to, as is their prerogative.

To suggest that all the information was not there, was not available and would not have been given on request is plainly nonsense. I ask myself who would benefit. What benefit would accrue to the Hon. Dr Cornwall if he attempted to cover it up? I suppose a lesser politician on finding that this episode occurred overwhelmingly during the period of a previous Government might have come to Parliament, made a ministerial statement and smeared the previous Minister all over the walls.

The Hon. M.B. Cameron: You know that's not true.

The Hon. FRANK BLEVINS: A lesser Minister would have done that. The Hon. Dr Cornwall chose not to do that: he chose to clean up the mess that he inherited. Therefore, rather than being censured he should be applauded, and I do that. Also, if there had been anything in this nonsense that we have heard in the past few days, the press would have been baying at the Hon. Dr Cornwall's heels. The Hon. Dr Cornwall from time to time presents himself as a target to the media, which is not slow in firing at him. With one exception, the media has chosen quite properly, in my opinion, to virtually ignore the nonsense that has been put forward and this, too, is evidence that there is no question of a cover-up.

What distresses me more than anything else about this whole episode is the damage done to Parliament. Here we have a censure motion against a Government Minister, yet no-one cares about the result—no-one is the slightest bit interested whether the motion is carried or defeated. That is sad because, if the Opposition is to put up a very serious motion censuring a Minister, at least people should care what happens. If the Opposition moves motions with such little content that nobody is the slightest bit interested in the result, it damages Parliament. Motions of this nature should be moved only when there is some credible evidence of some serious misdemeanour by a Minister.

It should be front-page news on every newspaper, and all the television and news bulletins should cover it. The motion should be subject to much comment. That is not the case with this motion because it is another Opposition motion. The Opposition seems to get a slight point and then gets a bee in its bonnet and the only way that it can exorcise that bee is to move such a motion. It is a denegration of Parliament, which is a tragedy. The Opposition should not move empty motions such as this. As I said, there is barely a person in the State who is the slightest bit interested in the outcome, and I urge the House to oppose the motion.

The Hon. M.B. CAMERON (Leader of the Opposition): It has been an interesting afternoon and evening. I was most grateful to the Minister for the tabling of a document that at least cleared the air in respect of the board of the Lyell McEwin Health Service and in respect of the external auditor.

The Hon. K.L. Milne: Where are your friends?

The Hon. M.B. CAMERON: If the Hon. Mr Milne wants them, he can go out and get them. I can handle this entirely on my own. There is no problem about that. I will say a bit about the Hon. Mr Milne. I was not going to, but I will now.

On 25 August the Minister tabled a document stating that on 25 August there was a meeting of the Finance and Administration Subcommittee to the board of management. He somehow seemed to draw comfort from that, that it cleared him completely and that somehow within that document evidence existed to show that the board of management knew that there was falsification and knew all about the issue. I defy the Minister to tell me where in that document he tabled it showed that the board of management or the officers present in any way brought to the attention of the board the falsification. He said that they used the report of the auditor. Of course, they did—nobody denies that, but it was the June report. Again, why does the Minister not pick up the June report of the auditor and tell me where in that June report he drew attention to any falsification? He did not! That again was an attempt by the Minister—successful because he has put it right over our friend the accountant at the other end—to imply that the board of management knew about the issue.

He then referred to a meeting of 29 September at which again officers were present and everything was done that had to be done at the board, but nothing was said about the falsification of documents or about the falsification of the April, May or June figures. The Hon. Mr Milne agrees

with me. Of course he does, and why? If anything from the external auditor was discussed, it was in the September report, where he referred to many problems of the Lyell McEwin health centre, but not once did he refer to the falsification of documents. If the external auditor had any knowledge prior to those occasions of falsification of wages, nurses' salaries or of returns to the Health Commission, can anyone tell me that that auditor would not have drawn it to the attention of the board to discuss at those two meetings? The Minister highlighted the fact that I was absolutely correct. I make that statement again.

The Minister said earlier that officers of the commission drew the attention of the external auditor to the fact that there was falsification of the April, May and June figures and the false returns. Does he still agree with that?

The Hon. J.R. Cornwall interjecting:

The Hon. M.B. CAMERON: The Minister does? He says that that is how the external auditor found out about it. That is very interesting. I would be very interested to hear the external auditor's report on whether he was told or whether he discovered it himself. Frankly, I believe he discovered it himself and I believe that that was a false statement on the part of the Minister. If he has been told that by his officers, he has been given improper and incorrect advice. That is a very serious matter, indeed, and one that the Hon. Mr Milne should think about as he is backing a Minister who is reflecting on an external auditor—one of the Hon. Mr Milne's colleagues in the game.

On 27 October a further meeting was held at the Lyell McEwin Health Centre. That is the very date, as the Hon. Mr Lucas pointed out, that the external auditor wrote to Mr Walters, the Chairman of the board, and told him that he had discovered the problems. They are significant events! No wonder the auditor stated in the document that they felt they had been conned! They had not been told about it. I bet they were very cross.

The Hon. J.R. Cornwall: They felt that the then auditor had been conned by the then administrator.

The Hon. M.B. CAMERON: I would like to ask the external auditor by whom he had been conned. Who provided the information and with whom had he discussed that information? Who covered up the issue? He is the missing factor in this issue.

The Hon. K.L. Milne: Who conned the auditor?

The Hon. M.B. CAMERON: I would like to know—why do not we ask the auditor? Who conned him? Unfortunately, he would be restrained by the ethics of his profession, but it is a great pity that he is because he has been seriously defamed in this whole issue and has been left with an attitude from the Minister and from everybody else that somehow he has failed in his task and that he has failed to pick this up.

The Hon. Mr Milne knows that he would not have picked it up until he did the audit at the hospital, and that was the first time that he knew about it. When he did the full audit at the hospital he picked it up, so he must have been very competent indeed.

The Hon. K.L. Milne: How often did he go there to audit? Do you know?

The Hon. M.B. CAMERON: I have no idea. Go and ask him.

The PRESIDENT: Order! In the first place, the honourable member cannot come in here drinking coffee and, in the second place, he cannot ask questions from behind the Chair.

The Hon. M.B. CAMERON: I listened to the Hon. Mr Gilfillan, and it is a great pity that he did not take an interest in the issue earlier. It is very difficult—and I understand his problem—to understand this issue. He is being very naive about it. It is a pity that he could not have taken better advice. If he had, it might have been better if he had stayed on the farm, because he does not understand the issue at all. It is a great pity, but that is his decision. The honourable member will not support it at all. He read into this document what he wanted to, but that is his decision. I suggest that he takes it home with him and looks at it again: one of these days he will say to me, 'You were right: the commission officers did know about that, and I misread that document, or I was misled about it.' I have seen him before being pretty naive on issues, and I accept that. So be his attitude in this matter.

Earlier this evening, the Minister gave me some hope that he would finally come clean on this issue. He said that he would table all documentation—anything that we wanted. I got quite excited about that. I thought that at least the Minister had turned over a new leaf, but somehow during the dinner break he ran backwards.

The Hon. R.I. Lucas: Someone got at him.

The Hon. M.B. CAMERON: He recanted. All that does is make me think, 'What on earth else is in there?' He ran away from that issue. He almost reached the point of disclosing the whole truth but then he went backwards. I wonder whether it is because he has received some notification from the external auditor. That is one of the questions I asked him: whether he would disclose any correspondence that he had had personally from the external auditor.

An honourable member: Who is this?

The Hon. M.B. CAMERON: The Minister. I want to know whether he has had any correspondence personally from the auditor.

The Hon. J.R. Cornwall: I did: I referred them to the Chairman of the Health Commission.

The Hon. M.B. CAMERON: Did the Minister table them?

The Hon. J.R. Cornwall: No. The honourable member cannot go on witch-hunting for ever.

The Hon. M.B. CAMERON: That was one of the two documents that I asked about earlier. They will not be tabled, but that is the Minister's own decision. I listened to the Hon. Mr Milne talking about this amount of money not being very much. I am not interested in whether it is very much money: I am interested in whether or not there has been a failure to disclose matters. I refer again to the internal document that was tabled in this Council by the Minister, signed by Dr McCoy, in which he said that the facts were reported to the following, the inference being that it was July. There has been some alteration in this advice.

I said then that I did not believe that these people were notified at the time that it was said they were notified. Of course, that has come out to be true. We now find out that they were notified in October 1983, December 1983, 1984 and 1985. That is a big difference from what we were told originally. It again leaves me very uneasy about the whole matter. The problem that we had from the beginning of this whole issue is that the Minister went half way: he did not table the 1 August letter in the first place; nor did he table the 31 August letter from the Chairman of the Hospital Board to the external auditor.

He did not table the letter of 7 December from Mr Walters to the external auditor, and he still has not tabled that. He did not table the letter of 24 February. He went to the documents, found the ones that suited his cause, and left the rest behind. That is the reason he is in trouble, and that is why I ask the Council to censure the Minister; from the beginning of this issue he tried to hide the real facts, the whole facts, and the whole truth. The Minister would not be in this trouble if he had let everything go at the beginning, instead of going halfway. That has been his problem.

If he had done it in July, and if the commission officers had told him that there was a problem and disclosed all the

matters then, if he had come to the Parliament and made a full confession of what had happened, at that stage it would not have been his problem. Quite frankly, it would have been the problem of previous boards, but instead he tried to keep it to himself. If he did not, the officers tried to keep it to themselves, and that has been his problem.

Even though I am not going to get the necessary numbers of this Council, I hope that it is a lesson. As the Hon. Mr Milne has said, I believe that that case has been made to the Council. Having made the case, and the Hon. Mr Milne having accepted that, I am disappointed that he is not going to support the issue, but everybody has to make their own decision in this place. This is the right place in which to do it, because the Minister of Health is in this place. That is the reason for it being raised here.

If the Minister of Health had been in another House, it would have been raised there, but it was raised here purely because the Minister was here. That is quite proper, and it will continue to be done whenever a Minister who is present in this Council does not carry out what we consider to be the right action. So, again I urge the Hon. Mr Milne and other members of the Council to support me in this motion.

The Council divided on the motion:

Ayes (7)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons Frank Blevins, G.L. Bruce, J.R. Cornwall (teller), M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris, K.T. Griffin, and C.M. Hill. Noes—The Hons B.A. Chatterton, C.W. Creedon, and C.J. Sumner.

Majority of 1 for the Noes.

Motion thus negatived.

ADJOURNMENT

At 1.12 a.m. the Council adjourned until Tuesday 10 September at 2.15 p.m.