LEGISLATIVE COUNCIL

Wednesday 8 April 1987

The PRESIDENT (Hon. Anne Levy) took the Chair at 12 noon.

The Clerk (Mr C.H. Mertin) read prayers.

AUSTRALIAN MINERAL DEVELOPMENT LABORATORIES (REPEAL AND VESTING) BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 3766.)

The Hon. C.M. HILL: I support this Bill, which has already run the gauntlet of a select committee in the other place, where I understand it was eventually supported by all Parties. The purpose of the Bill is to establish a new unlisted public company from the present statutory corporation. The statutory corporation of Amdel has, in effect, been a partnership between the South Australian Government, the Commonwealth and the Australian Mineral Industry Research Association. That was established back in 1959.

There has been one major endeavour since then to improve the structure of the statutory body. That was in 1971, when amendments were made. The Minister, in his speech referring to that change of 1971, said:

> The amendments were aimed at developing a market oriented corporation with a flexibility and capacity to adjust to market conditions, and to expand its activities beyond the mineral related area.

However, since 1971 the results of the corporation have not been as good as they were expected to be, and the surpluses made by the institution were small. It was, in effect, restricted in its operations by its very framework. Now before us in this Bill we have a new restructuring which has as its principal aims the improvement of the financial results of the institution, better business opportunities and an overall improvement in management.

It is hoped that those aims will be achieved by a new commercial direction of the company, new business opportunities being sought, new business being achieved and, of course, a major change is the injection of new equity capital. So the organisation will become an unlisted public company. The new funding will be on the basis that new equity contributions of $3.6 million will be received; and to that we must add the new valuation of the old institution of $5.4 million. Of course, that makes the total value of the new unlisted company $9 million.

The shareholdings will be split up on the basis of the South Australian Government having 25.25 per cent, the Commonwealth having 9.5 per cent, AMIRA (the institution that I explained earlier) having 25.25 per cent, Enterprise Investment Group 11 per cent, SGIC 7.5 per cent, Advent Western Pacific 11.5 per cent, the AMP (South Australia) 5 per cent, and 5 per cent of the shares will be held by the staff. Checks and balances are written into the legislation which I am sure honourable members will support. For example, more than 50 per cent of the new shareholding will be held in the public sector, and South Australian interests in totality will exceed 50 per cent.

In the very important area of the welfare of the existing staff and the future of staff and their welfare, Amdel has guaranteed employment for all regular employees as at 1 December 1986; and accrued rights of existing employees are also guaranteed by the new company. So, without doubt at all, there is a very modern approach in this proposal. There will be a thrust with new management, new technology, new science and, quite importantly in today's market place, new marketing. The whole company will be profit oriented and one would hope that it will be quite aggressive out there in the marketplace.

All this is a great improvement for South Australia. There will be this injection of private capital, there will be private expertise, there will be a wider base for the whole organisation and therefore new strength in the corporate world. This, together with all the existing skills, commitment and human resources of the former statutory body, all adds up to paint a very rosy picture for the future. In supporting the Bill I wish the company rapid progress and great success; and I also hope that the Council gives the Bill a speedy passage.

Having said that, being a member of the Liberal Party I believe that the Government, as a result of this measure, deserves a great deal of criticism, because it introduces equity capital from investors, and this money is being introduced into the previous statutory corporation. Of course, this is privatisation.

It is based upon the Liberal Party's privatisation policy at the last election, and that policy was opposed very strenuously by the ALP. The Government deserves strong criticism for introducing this form of privatisation because it stated previously that it was opposed to privatisation. Now, by introducing privatisation measures, the Government has shown a hypocritical standard. It opposed privatisation at the last election when it was a major plank in the Opposition's platform and now it has completely somersaulted. The Government shows a lack of political principle. At the last election it deceived the public on this issue. In effect, it promised that it would not privatise and that it did not believe in privatisation; yet it has compromised that situation. This is only one example of the way in which the Government is gradually and by stealth introducing privatisation.

Recently news was released of the great ETSA deals in which leasebacks involving hundreds of millions of dollars will be obtained from the private sector; that is being approved by the Government. The Minister of Health in this place has spoken about the sell-off of hospital property. Members know of the Government's plans to sell Housing Trust houses to the public. Also, the Education Department is privatising its assets at the teachers college at Wattle Park. At one time the public was told that that would never happen.

Another example is the sale of the Government Stateliner buses to the private sector. The great financial advisers of Dominguez Barry Samuel Montagu Limited have been retained by the Government to advise it on privatisation planning in such areas as South Australian Oil and Gas and, I understand, the Woods and Forests Department.

Even in the Federal sphere Labor is turning to privatisation. There is serious talk about the potential sale of Australian Airlines, and the Prime Minister has given an undertaking to his Party that in 1988 at the ALP Federal Conference he will bring in for discussion a paper on the whole area of privatisation. When I see all of this happening before our eyes here in South Australia since the 1985 election, I am reminded of the promises of no new taxes and no increases in taxation that were made at the 1982 State election by the present Labor Government.

The Government broke that major promise and, following this privatisation approach at the 1985 election, when it opposed such a policy and the Liberal Party supported it, this is another major broken promise. The people are saying, 'Where do we go from here? What new promises

will be broken throughout the term of this Government? What also of the new promises that it will make at the next election?' Will the people be able to take any notice of them?

It appears to me that, on this whole subject of privatisation which is wrapped up in this Bill, here in South Australia Labor is moving to the right. I do not know what some of the backbenchers on the other side of the Chamber think of that. They might as well be called the new Liberal Party. We hear a lot of these expressions, but here this so-called Labor Party is in my opinion rapidly becoming a new Liberal Party.

The Hon. Diana Laidlaw: But not a credible one.

The Hon. C.M. HILL: It is certainly not a credible one so far as this privatisation hypocrisy is concerned. Just for a moment let me digress and comment on those who lead this Party—people like Messrs Bannon, Hopgood, Crafter and Sumner—these gentlemen who are in control of the Party. They are conservatives, as well as being opportunists.

Members interjecting:

The Hon. C.M. HILL: They are opportunists because they have come from Liberal backgrounds, and back in their university days they made a judgment about which Party, in their opinion, would have the longest term of office in this State, and they decided to go that way.

The Hon. Barbara Wiese: Which one of them came from a Liberal background?

The Hon. C.M. HILL: Well, Mr Sumner, to start with.

The Hon. Barbara Wiese: He did not.

The Hon. C.M. HILL: I dispute that. He is not in the Chamber and I do not want to say too much on that point, but I say quite emphatically that he came from a Liberal background. What about the Premier?

The Hon. Barbara Wiese: He didn't.

The Hon. C.M. HILL: Oh, didn't he?

The Hon. Barbara Wiese: No.

The Hon. C.M. HILL: I was in Western Australia at one time and a political friend of mine said, 'Come up the road and we will meet the local President of the Liberal Party branch.' I asked, 'What is his name?' and he said 'Bannon. He is a brother of your Premier.' Members should not talk to me about these people being died in the wool Labor people, because they are not and, members opposite, in their hearts, know that they are not. It is little wonder that the genuine Labor members on the team at Trades Hall on South Terrace are seething with discontent on this issue of privatisation and in relation to where the Labor Party is going. Let me cite what the UTLC says on this Bill, it stated:

> The council apologises for not being able to be represented before the committee on 30 March 1987 at 11.15 a.m. In the alternative, we submit the following brief submission. We strongly urge the committee to recommend that the Bill not be proceeded with.

That was the United Trades and Labor Council. The letter states further:

> This has been our private advice to the Minister, which involves our concern over what is seen as a privatisation move and subsequently our public position in supporting the thrust of the PSA's public campaign.

That is what the United Trades and Labor Council thinks. It is against this Bill. I do not know how the backbenchers in this Council will vote today in view of that. Of course, we have all heard about the PSA, which has the largest membership of any union in South Australia, I understand. What did the PSA say in the document entitled 'The PSA's basis of concern'? I need quote only one sentence, as follows:

> This proposal to privatise Amdel is of much concern, because it challenges the fundamental values we uphold.

What about the question of principle, I ask members? It is little wonder that the people at large, the little people out there in the street, are beginning to see through this Government. As the Government proceeds with privatisation, the people at large will gradually dissociate themselves from this so-called Labor Party and turn to the genuine Liberal Party, the Party that keeps its promises.

The Hon. T.G. Roberts: What faction is that?

The Hon. C.M. HILL: We do not deal in factions. The honourable member's Party is riddled with factions, and he knows it. He should not deny it. We see it in the newspaper almost every day. But that is his affair. Do not tell us that we have factions. This is the Party that keeps its promises, and I would like to hear of any promises that we have broken. The Government's promise in 1982 of no taxation increases and no new taxes, which was broken and which the Premier admitted in the next three years he had broken, was the first major promise, and now we are into this era of privatisation, and this is the second major promise. This Liberal Party openly and honestly explains its policies for the efficient and successful administration of this State in the best interests of the people at large.

The Hon. T.G. Roberts: Do we qualify for membership of the Adelaide Club?

The Hon. C.M. HILL: I would not know what are the requirements. If the honourable gentleman wishes to make application there, it is only a hundred metres or so across North Terrace. He could knock on the door, and let me know later what sort of entree he had.

The PRESIDENT: Should I try, Murray?

The Hon. C.M. HILL: This matter of equal rights and opportunities has gone a long way, but whether it has reached that institution I am not sure. I do not know whether I would be welcome at the Queen Adelaide Club, either, Madam President. However, I conclude by saying that the people will ultimately agree that a Party which breaks its major promises and copies the Opposition's policies to survive—and that is all it is; survival comes first with it—has lost its direction. The people will ultimately say that the Labour Government is not fit to go on governing South Australia.

The Hon. M.B. CAMERON: The Opposition, of course, supports this Bill because it does exactly what we would have done in office and for which we were criticised very severely before the last election. The Hon. Mr Hill has put that point very well. The Labor Government of this State, in view of this, would have to be the greatest bunch of hypocrites that we have seen in this State in relation to election promises. It has not even waited for a decent time before changing its mind and stepping into this area of privatisation. Let me say quite clearly that the only difference between privatisation and commercialisation is the spelling of the word. There is absolutely not one ounce of difference and there is not a journalist in town who has been fooled by that word. The people who were fooled, of course, were the people of South Australia before the last election.

The Hon. Diana Laidlaw interjecting:

The Hon. M.B. CAMERON: No. Before the last election, it was not only Amdel that was a problem for the Labor Party. Let me read what was said before the last election in relation to ETSA. It makes very interesting reading. An *Advertiser* article on 25 June 1985 stated:

> Mr Bannon said the Liberals were 'flirting' with selling off major portions of ETSA and other Government activities.
>
> Mr Olsen said he had never said the Liberals would privatise the existing operations of ETSA. What he had said was that the

private sector should be given the opportunity to build and to operate South Australia's next power station.

Not the last couple—we would not have been in that at that stage because we would have had to have a look at it. Mr Bannon was accusing us of being irresponsible for daring to say that the next power station should be funded by private enterprise. An article in the *Advertiser* on 15 June 1985 stated:

'It's extraordinary that they mention electricity because it was the Playford (Liberal) Government that took control of the supply of electricity when private enterprise failed to make a profit out of providing it,' Mr Bannon said.

He said the Liberal's plan would simply mean that private enterprise would be allowed to take on those activities which could be turned into profit and what was left would either not get done or would be infinitely more expensive.

What a change we have seen today with this Bill and with the activities of the Government in other areas. I just wonder what the left wing of the Labor Party really thinks about what is going on, because I cannot believe that members opposite who are in that wing of the Party can possibly support the change that has taken place. I totally agree with what the PSA has been saying, that it is utter hypocrisy for the Government now to step into this area. It is no wonder that the PSA felt affronted by the moves when they were the vehicle whereby the Liberal party was abused before the last election. I can well imagine how they feel, having been that vehicle and having been shown up in such a way by the Government, because they clearly went right down the line that the Bannon Government sold them. They have been left high, dry and stranded by it all.

It is quite clear that this Bill amounts to privatisation. It is one and the same thing, and it is a disgrace to the Labor Party that it has now stepped into this area without apologising to the people of South Australia for what it is doing. The Labor Party has completely turned its back on what it said before the election. I trust that the people of South Australia will look at all the moves that will be made—and there will be more, because this Government is now gung ho on selling off or privatising South Australian assets. We will look at each and every one of those and say, 'Goodness me, things are different when they are not the same,' and that is exactly what is happening in this case. As the Hon. Mr Hill has said, the Opposition supports the Bill but does take exception to the Government's absolute hypocrisy in this matter.

The Hon. I. GILFILLAN: The Democrats indicate general support for the bulk of the intention of the Bill. I remind honourable members that on previous occasions we have questioned the valuation upon which the actual sale was based. The Democrats still believe that the sale price was undervalued on the assets that Amdel has and its potential. We also have some concern relating to the arrangements for the employees involved. They may very well be safeguarded. Clause 4(3) provides:

Any person who was, immediately before the commencement of this Act, an employee of the statutory corporation becomes, on that commencement, an employee of Amdel Limited without prejudice to the person's salary or existing and accruing rights in respect of recreation leave, sick leave and long service leave.

Notwithstanding the provisions contained in that clause, some employees of the current Amdel to whom I have spoken do not feel completely reassured that salary levels will be maintained at their true value. The wording in the Bill 'without prejudice to the person's salary' is a rather poetic way of dealing with the matter. The employees would like to see spelt out very firmly that their salaries will be maintained for the guaranteed period at at least the equivalent value in real terms of their current salaries. It is possible that in replying to the second reading debate the Minister will elaborate, hopefully emphatically, what the Government's position is on this matter.

The chief issue that I want to raise concerns the Thebarton site. Honourable members might remember that I asked a question in this place relating to the radioactive deposit on the site at Thebarton. Bearing in mind that that is a very large part of the capital asset of Amdel, valued at very close to $8 million, it is remarkable that, of all the assets, that was retained by the Government and that it was not part of the negotiated sale. The reason for that is quite clear: there is a worrying radioactive waste storage located on that site. This involves not only radioactive material; I am advised that other noxious substances are stored there as well. As I indicated when I raised this question earlier, a confidential memo had identified quite clearly that the cost of cleaning up the site would be extremely high, and the advice given was that the only economic solution was for the Government to retain the Thebarton site. The Democrats are very concerned about the fact that this site is contaminated in this way and that there does not appear to be any intention to deal with it.

An honourable member interjecting:

The Hon. I. GILFILLAN: Yes, but this one is even more so. This one is remarkably radioactive. I think it is quite obviously of concern, otherwise it would have been part of the sale arrangement. I do not think that anyone has worked out quite what they will do with it in the long run. In considering legislative measures that could be introduced to deal with a situation like this radioactive hazard, some interesting facts came to light. I remind members that Amdel tests and treats radioactive material from Olympic Dam on the Thebarton site and it is well known that there has been concern about contamination to outside areas, but at this stage my principal focus is within the site itself.

Having asked for some research to be done on the matter, it appears that this is an area to which the Government must give further attention and, possibly, introduce legislation. After looking at the Radiation Protection and Control Act 1982 as amended and its potential to deal with the problem, I was informed of several matters which I would now like to raise. The definition of 'radioactive substance' provides:

Radioactive material which has been left upon land or has leached into land constitutes an unsealed radioactive substance and premises on which such substance is kept are required to be registered.

One can debate as to how 'kept' would be interpreted, but it would be interesting to know whether or not the Thebarton premises are registered under this section and, if not, on what basis it is not. Are they premises on which a substance of a prescribed kind are kept? It would be also interesting to know the reason for registration and the types, extent and locality of substances and how they are kept. As I mentioned before, radioactive material is not the only cause for concern. The South Australian Health Commission has wide powers to take action where it considers that a dangerous or potentially dangerous situation exists involving actual or threatened exposure of any person to excessive radiation or contamination of any person or place by radioactive substances. That means that anybody who is working or is on the Thebarton site at any time should be the responsibility of the Health Commission in relation to this radioactive or waste storage.

In such circumstances the South Australian Health Commission can direct a person to take any specific action. Radioactive substances causing the situation can be removed, disposed of, treated, or otherwise dealt with, or any other action can be taken to avoid, remove or alleviate the poten-

tial danger. However, costs of any such action may only be recovered where the real or potential danger resulted from an act or omission in contravention of the Act. Obviously, if these premises had been sold to Amdel Pty Ltd, any of these costs would have been a specific liability to the new company. Under this Act there is a very wide regulation making power, which would include power to make regulations for the removal or cleaning up of radioactive substances, whether present by intent or accident, but we were unable to find any regulation requiring deep decontamination. After having some confidential conversations with officers from the South Australian Health Commission, I was not able to be directed to any relevant regulation.

It should be noted that the use of the word 'excessive' in the Act is a very severe limitation. It is not specific and it is not defined. Of course, it can be the perfect escape clause for any situation in relation to which either the Government or anyone else wants to avoid responsibility. Those people in the commission thought that the interpretation of the word 'excessive' would probably depend upon the circumstances.

That is probably the legal interpretation of it, that they would call on experts and exposure limits would be defined and there would be an individual interpretation of 'excessive' case by case. I pose the question, Ms President, what happens if there is not excessive, as defined or not defined or implied, but rather significant or appreciable levels, considerably more than naturally occurring but less than this undefined so-called excessive level? It appears as if there is no specific obligation to decontaminate the Thebarton site.

A site may be directed by the South Australian Health Commission to be decontaminated if the commission considers there to be a dangerous or potentially dangerous existing situation which involves actual or threatened exposure of persons to excessive radiation or contamination of a person/place by radioactive substances. The legal power of the commission is still restricted by the limitation of 'excessive'.

Amdel at Thebarton has a licence to mill radioactive ores but the Commonwealth codes of practice, the Code of Practice for Radiation Protection and Mining and Milling of Radioactive Ores 1980 and the Code of Practice of Management of Radioactive Waste from Mining and Milling 1982, which incidentally does require rehabilitation of a site in accordance with an approved waste program, are not part of the conditions applying to Amdel's licence. Although there have been tests done for air and dust radiation and for radon gas and gamma emissions in and around the plant, and samples taken from the surface soil and allegedly from the pit, it is unknown from what depth the samples were taken. As to what is in the pits, the people from whom we tried to get information said they were not sure or, to the extent that they did know, they were unable to say and felt that they were obliged not to give us that information.

So, there is a shroud of secrecy over this hole in the Amdel Thebarton site. I, for one, am very uneasy, particularly about the long-term consequences of leaving it untouched. It concerns me that there is apparently no South Australian legislation which requires the decontamination of an area or which allows a Government authority to require decontamination of an area, except in circumstances of this undefined so-called excessive radiation danger. There are various examples which could come to mind other than the Thebarton site and which are perhaps of a more suburban type nature which emphasises the point that we need to take some action.

I have one suggestion for the Council because it emphasises the concern of the legislation more so than the particular concern at Amdel. Let us take the following possible scenario. A vehicle conveying radioactive substances in a liquid or powder form is involved in an accident. Bear in mind that with the milling of radioactive substances we at least have that material going to and fro, and possibly even more concentrated material. It is raining heavily and containers have, as a result of the accident, broken and spilt contents on someone's front yard. The driver is severely injured. Early preventive and containment measures cannot be implemented. Radioactive substances are leeched into the soil. Assuming that no health risk results, in other words, no excessive radiation or contamination, but that there is now appreciable radiation or contamination there would not appear to be any means for requiring removal. Further, if no negligence was involved damages could not be obtained at common law for the reduced value of the land. It would thus appear that no remedy at present would be available and no liability would result.

I make two points. First, I am very concerned that we have a dangerous and worrying situation at the Thebarton site which, to date, the Government has tried to keep locked away in the cupboard and by retaining ownership of that site it has virtually taken over and accepted that there is an insoluble problem with the radioactive and other material that has been dumped there.

Secondly, the legislation necessary to handle what may be accidents slightly less than this vague term 'exessive' is just not in place in South Australia. From both those angles there is serious concern about the situation at Amdel and I urge the Government to grasp the nettle firmly in relation to the Amdel site. The questions I asked on 17 March have not yet been answered, and it is important to remind members that these questions were asked. Because of my concern for the Thebarton site, I will repeat them. Will the Attorney-General say why the Government has decided not to sell the Thebarton site? Was a decision influenced by the location of radioactive material buried on that site? What is the estimated cost of cleaning up that site to remove all radioactive material?

As we are now at the latter stages of debate on the Amdel legislation, surely it is reasonable for me to expect answers to those questions. They are directly relevant to the Amdel negotiations and sale, and particularly relevant to the Thebarton site. The Democrats do not have any particular objection to the restructuring of Amdel. As I have said, the valuation was of concern to us. At other times I have sought to be assured that the independence of it as a testing authority would be maintained. I have received correspondence which indicates to me that it will keep the testing as a separate entity, and that its integrity should be retained. However, I have a continuing concern about the radioactive dump and other noxious materials on the Thebarton site. I urge the Government to take action to correct that.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

STOCK DISEASES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 April. Page 3867.)

The Hon. PETER DUNN: This short Bill has some significance in that it provides a transfer of powers from the Chief Stock Inspector to the Deputy Chief Stock Inspector when the Chief Stock Inspector is not in town.

The Hon. T.G. Roberts: Have they been consulted about this?

The Hon. PETER DUNN: I am not sure about that. Knowing how this Government works, it is highly unlikely. However, we will read the *Government Gazette* in a couple of months and find that out. When the Chief Stock Inspector is on formal business interstate, on holidays, in the country, or overseas there is a problem in relation to obtaining information about stock diseases. His job, which is provided for in the Act, is very important, since he has power to require people to destroy or remove stock. That, fundamentally, is the power of the Chief Inspector, and he authorises that. If he is not at home there is a hiatus in that process, and I believe that this Bill will solve that problem. The Bill provides that the Deputy Chief Inspector will be able to assume those powers and authorise those things that the Chief Inspector has on his plate.

The Chief Inspector must carry out certain procedures because, as we know, stock diseases can devastate a country very quickly. Because of its isolation, Australia has been very fortunate on the world scene in not having some of the more exotic diseases such as foot and mouth disease, rindapest and rabies. There have been several scares about what were thought to be outbreaks of exotic diseases. I have no doubt that the Hon. Dr Cornwall could give us chapter and verse on those matters, being a veterinarian.

There have been outbreaks of vesicula disease in Tasmania which the authorities thought at the time was foot and mouth disease. Such diseases could be quite devastating if they broke out in Australia because we have vast areas and lots of animals including a high population of feral animals. If we were to get rindapest or rabies in the buffalo or the wild bovine population in the Northern Territory or northern South Australia it would be very difficult to eliminate because we cannot catch all of the animals to treat them.

It is important that the stock inspectorial system has the ability to stop quickly any outbreak of that disease. That is fundamentally the job of the Chief Inspector, to oversee his inspectors in the tasks set down in the Act. Stock inspectors are very important in controlling outbreaks of foot and mouth disease. The Hon. Dr Cornwall, who appears at times to suffer from that disease, would know a lot about it. I am sure that the jobs carried out by the Chief Inspector's subordinates, the inspectors and Deputy Chief Inspector, are very important to our export income generated by the stock industry in Australia and particularly in South Australia.

The tasks of the Chief Inspector include empowering his inspectors to destroy wild animals, wild birds, insects or vermin. We know that there is much emotion involved when people are asked to destroy animals, whether wild or domestic. We know that emotion runs very high with people who own stock and it requires very firm action to be taken by inspectors to carry out their duties. People have endeavoured to hide diseased animals in the past. If the Chief Inspector is overseas, interstate or in the country and is not present to quickly sign authorities, then a disease can carry on.

It is a matter not of days or months, but hours and sometimes minutes, and rapid action can prevent great expense later in clearing up what may be a disastrous outbreak of disease. These people have other tasks to perform, for instance, being points of contact for people who wish to report disease or suspected disease, and it is important that there be a central point. The Chief Inspector is always consulted when there is an outbreak of disease. Once again, if he is away it is necessary for the Deputy Chief Inspector to take that role.

The Chief Inspector has a number of other duties, for instance, inspecting travelling stock, and he does that by delegation to his inspectors. He also has to release stock from quarantine. If animals are quarantined when suspected of an outbreak of disease, they cannot be released until they are proven either positive or free of disease. If those animals are free of disease, it is necessary for the Chief Inspector to sign their release. Once again, if he is away, that delays the process and causes an impediment or extra cost to the farmer.

They are some of the tasks of a Chief Inspector. The Deputy Chief Inspector can perform all those tasks and take that responsibility. That is another important consideration: that he has to assume that responsibility. I presume that the Deputy Chief Inspector will have to be well versed in these areas and must understand exactly what is required of the job. I have no doubt that, by the time he gets to that position, he will have acquired all those skills. However, members on this side of the House agree with the amendments being made. As I think they are very sensible and will facilitate administration of the Stock Diseases Act, we approve of them.

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

CORRECTIONAL SERVICES ACT AMENDMENT BILL (1987)

Adjourned debate on second reading.

(Continued from 7 April. Page 3871.)

The Hon. DIANA LAIDLAW: The Opposition supports this Bill, which seeks to include in the Correctional Services Act criteria for prison officers to make a body search of prisoners suspected of concealing drugs. At present prisoners are required by law to remove their clothing for the purpose of a search. However, correctional service officers are unable to visually examine the mouth or other body orifices of a prisoner in order to ascertain the presence of illicit materials. This deficiency has caused management problems in the prison system relating principally to the behaviour of prisoners after illicit drugs have been found in a prison.

In relation to the search of prisoners, the Bill provides that it is an offence for a prisoner to refuse to open his or her mouth or to refuse to adopt particular postures that will facilitate the visual examination of a prisoner's body. Force may not be used to open a prisoner's mouth, except by and under the supervision of a medical practitioner; and only a medical practitioner may actually search the orifices of a prisoner's body. The search must be carried out speedily, and undue humiliation of a prisoner must be avoided.

As I indicated, the Opposition supports the introduction of these search provisions for prisoners. We are satisfied with the conditions that must apply when a prisoner is searched. I add that the Opposition believes that this measure is long overdue. In fact, the shadow Minister of Correctional Services (Mr Becker) has been calling for this search provision for well over a year now, and he has highlighted the extent of drug taking in prisons. This has been a community concern as expressed through the media in editorials, and the like. While the shadow Minister's concerns and allegations have never been refuted, it is interesting that over the past year the Government has actually slammed the shadow Minister for his statements in this regard. Therefore, it is now important to note that the Government has introduced a Bill for which the Opposition has called for some time, as has the Department of Correctional Services in successive annual reports.

I will make a comment about drug taking in prisons by female prisoners. The Department of Correctional Services

annual report last year noted a very high percentage of female prisoners sentenced for drug and drug related offences, and concern was also expressed about the high rate of drug taking among female prisoners. I believe that is a rather alarming statement by tne Manager of the Northfield complex. Therefore, I ask the Government—possibly in reply to the second reading debate or in Committee—to comment on clause 2 *(a)*, which refers to the search of prisoners, as follows:

> ... those present at the search, except a medical practitioner, must be of the same sex as the prisoner.

I wonder why an exception is made in relation to the medical practitioner, especially as it is the medical practitioner alone who may actually search the orifices of a prisoner's body.

If there is such a high percentage of drug taking amongst women prisoners it is important to question why, in those instances of searches of female prisoners, a female medical practitioner is not required. If it is the preference of the prisoner that the medical practitioner be female, can that be accommodated? The Opposition supports the second reading.

The Hon. BARBARA WIESE (Minister of Tourism): I thank the honourable member for her contribution to this debate and I indicate that I will take that question to my colleague the Hon. Mr Sumner, who is responsible for this Bill. I am sure that, during the Committee stage, he will provide a reply to the question that the Hon. Ms Laidlaw asked. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 1.2 to 2.10 p.m.*]

QUESTIONS

AIDS

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Minister of Health a question about the AIDS hotline.

Leave granted.

The Hon. M.B. CAMERON: A news report on 5DN indicated that numerous complaints had been received from people who cannot get a reply from the Health Commission's special AIDS hotline number. The report said that the number is not the same as the number for the service set up this week by the National AIDS Advisory Council. 5DN telephoned the commission regarding that number but was told that there had been a Telecom fault, which had been fixed. They tried the number again, several times, and there was still no answer. They then called Telecom and were told, according to their report, that there had not been a fault in the AIDS service at any time.

They then spoke to an officer from the commission's sexually transmittable diseases unit from which the hotline service emanates and, according to their report, 'He changed the story and told us that there had been a blown fuse but that it had been fixed and telephonists were now back again manning the phones.' They tried again, but the number rang out several times and there was no reply. That hotline is a very important part of the AIDS program. My questions are as follows:

1. What steps will the Minister take to rectify this very serious problem that appears to exist?

2. Have additional staff been appointed following the leave of absence granted to Dr Michael Ross? I understand that at least one other officer is no longer in that area.

The Hon. J.R. CORNWALL: I will take whatever steps are necessary. Eight additional staff have been appointed for the duration of the current AIDS campaign.

THEBARTON DEVELOPMENT

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Minister of Local Government a question about the Thebarton development.

Leave granted.

The Hon. K.T. GRIFFIN: Last week I questioned the Minister on her approval for the establishment of the Thebarton Development Corporation Pty Ltd by the Thebarton council. My questions related to whether the Minister believed that councils should be able to form companies to do things which local government is not empowered by the Local Government Act to do, with the potential for such companies to be used as a means of avoiding the strict obligations on councils and members of councils in relation to such things as borrowings here and outside the State, carrying on business, disclosure of pecuniary interests and accountability to electors.

I also asked the Minister whether she believed that she need only approve a vehicle for undertaking schemes for councils and not the actual schemes themselves. Yesterday, the Minister made a ministerial statement which indicated that she was obtaining legal advice which would be available in two weeks. That statement also made reference to the issues being raised during local government election campaigns as though, somehow, that should diminish the importance of the questions which must be answered on this matter.

The Minister also said that the company would not be activated until she is satisfied that the terms of her approval have been complied with. She really missed the major points of my questions or deliberately chose not to address key issues. It is not just a question of compliance with the Minister's approval. There are questions as to what did the Minister actually approve, and was her approval allowed by the law or outside the law, that is, was there a valid approval or is the approval of a company, with wide and vague powers, to carry on business for the Thebarton council outside the law.

In addition to the approval of the formation of a company which was advertised way back on 21 March 1986 and gazetted on 19 February 1987, the Minister says she also approved another scheme, but this one was specific in that it related, so she says, to acquisition of land for redevelopment within a particular area of Thebarton, including Henley Beach Road. That scheme and the Minister's approval do not appear to have been advertised or publicised. If that approval has been given, the Local Government Act provides that the Thebarton council can now compulsorily acquire land following the Minister's approval.

This week's local *Messenger* newspaper carries a front page story under the heading 'Mile End Land Grab Fear'. Although residents are expressing concern about the prospect of compulsory acquisitions and saying they have had no formal notice of the scheme, the Town Clerk is reported as saying that there was no need for landowners to be worried and that a survey of residents was exploratory only. There needs to be a lot more information available to residents and the Parliament should have appropriate assurances about the legality of what the Minister has done. However, Parliament will not be sitting beyond next week for four months. My questions to the Minister are as follows:

1. Will the Minister have all of my questions about the legality of the Minister's approval referred to the Crown Solicitor for advice?

2. Will the Minister make available that advice even though Parliament may not be sitting?

3. Will the Minister make available all the details of what she actually approved?

The Hon. BARBARA WIESE: I have already indicated to the Parliament that I am having issues relating to this development scheme—the second of the two development schemes to which I referred in my ministerial statement yesterday—examined by Crown Law. As soon as I receive a Crown Law opinion relating to aspects of the scheme I shall be making further public statements about the matter and will be certainly seeking to allay any fears that have been raised by both the Hon. Mr Griffin and members of the Thebarton council in the daily and local newspapers. I would also seek at that time to allay the fears of members of the public in the Thebarton council area on whether or not their properties are going to be compulsorily acquired. All of the requirements for the development scheme in the Thebarton area which entailed the council going through the normal planning approval process as I understand it have been undertaken by the council. There should be no question as to the appropriateness of the action taken there.

With respect to the issue of compulsory acquisition, I am interested to hear that the local press has reported that the Town Clerk has said that it is not the intention of the council to compulsorily acquire, because that was certainly the information given to me prior to approval being sought.

The Hon. K.T. Griffin: He said it was an exploratory survey and he has carefully avoided the question of compulsory acquisition.

The Hon. BARBARA WIESE: I see. Prior to my approval being given, it was certainly said to officers of my department by representatives of the council that it was not the intention of the council to acquire properties compulsorily and, as I understand it, that relates to the specific proposition that it is currently working on. Should there be further redevelopment projects which the council wishes to pursue in the Thebarton council area, each of those development schemes will have to go through the same process of scrutiny that this one has with respect to seeking planning approvals and other things. This means that each individual scheme will be able to be scrutinised both by the relevant Government agencies and others and also members of the Thebarton community. I hope that that will allay the fears of people in that respect.

With respect to the second development scheme—the scheme relating to the setting up of the company—as I have already indicated, I have sought legal advice about that and I will be issuing a public statement in which I will seek to answer all of the issues that have been raised both in this place and publicly.

The Hon. K.T. GRIFFIN: A supplementary question, Ms President. In the light of that answer, will the Minister make available publicly all the details of what she actually approved?

The Hon. BARBARA WIESE: I think I have done that in the sense of—

The Hon. K.T. Griffin: In the ministerial statement with respect to the 382d scheme, it related to land in a certain area but there were no details as to exactly what that scheme was.

The Hon. BARBARA WIESE: I shall be happy to make details of the 382d scheme available to the honourable member.

ORGANOCHLORINE WASTES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation—

The Hon. L.H. Davis: Ms President, I was on my feet.

The PRESIDENT: I am sorry, I am sure that Mr Elliott stood well before you did.

The Hon. M.J. ELLIOTT:—before asking the Minister of Local Government—

The Hon. L.H. Davis interjecting:

The PRESIDENT: If you do not stand, I presume that you do not want to ask a question. How do I know that you have a question if you do not stand?

The Hon. C.M. Hill: Just pause a minute and allow him to get up.

The PRESIDENT: I did pause. The Hon. Mr Elliott has the call.

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister of Local Government a question on organochlorine wastes.

Leave granted.

The Hon. M.J. ELLIOTT: Part of this question may in fact need to be referred to the Minister for Environment and Planning, but part of it goes to the Minister of Local Government in terms of the Waste Management Commission. An article put out by the Applied Organic Chemistry Division of the CSIRO states:

> Each year Australian industry generates about 1 000 tonnes of stable organochlorine wastes that cannot be disposed of here in an environmentally acceptable way—

that is, in Australia—

> so they are stockpiled, generally in 220-L drums, until some satisfactory disposal method can be found. Many thousand such drums are now sitting around the country, causing mounting housekeeping problems.
>
> Industrial chemicals are an inevitable adjunct to modern life. More than 99 per cent of industrial wastes are considered harmless and present few disposal problems. Solid wastes can be placed in sanitary land-fills, while most liquid wastes can be put into the local sewerage system.
>
> Of the remainder, most can be treated, recycled, or burnt in available incinerators. But the so-called 'intractable' wastes—perhaps 0.1 per cent of the 'special' category—cause the problems. Most commonly, they are organochlorine compounds that are exceptionally stable and very difficult to destroy, either physically or chemically.
>
> One well-known group of organochlorine compounds still in use, although they are no longer manufactured, comprises the polychlorinated biphenyls, or PCBs.
>
> Because of their chemical stability, PCBs persist in the environment and, if absorbed, can accumulate in body tissues, with possible adverse effects.

The safe level of PCBs in fish is set at .5 parts per million. The ideal way of disposing of PCBs is by high temperature incineration, and I am aware that this is being considered at the moment. Things are already going wrong in other States. For example, as the article points out:

> The Victorian Environment Protection Authority recently traced and confiscated 100 tonnes of recycled fuel oil contaminated with PCBs at concentrations between 100 p.p.m. and 55 000 p.p.m. The PCBs had come from scrapped electrical tranformers. In Western Australia, fish caught in and near the sea-water cooling pond of the decommissioned power station were discovered to have PCB levels of up to 73 p.p.m.

That is 100 times what is considered a safe level. The article further states:

> The contamination came from derelict capacitators used in 1974 to reinforce the pond walls.

So far, as I have said, Australia does not have any real capacity for disposing of PCBs properly. At one stage a ship which incinerated them at sea came over, but that practice has been outlawed in the United States, and I think that Australia is looking very dimly on that practice as well.

Also, the article to which I have referred contains a table that indicates the amount of stored organochlorine waste and also the amount that is generated each year. What I found intriguing is that South Australia has 10 tonnes stored and it generates 15 tonnes a year. That does seem mighty strange unless there is some exportation of our waste. I would be quite surprised about that, as it is quite dangerous; I would not like to think that this has been transported on the roads.

My questions to the Minister are, first, what long term proposals do we have for the handling of these organochlorine wastes? What stage have investigations reached? I think that question might have to go to the Minister for Environment and Planning. Secondly, in terms of waste that is now present, how can it be explained that South Australia has only 10 tonnes stored while it generates 15 tonnes of this stuff a year? One must have particular regard to the fact that these substances are extremely dangerous. Where are they?

The Hon. BARBARA WIESE: In relation to the compounds referred to by the honourable member, the treatment and handling of these substances is clearly a matter about which I am not able to comment. I shall determine which of the questions the honourable member has asked would be most appropriately placed before the Minister for Environment and Planning and which ones ought to be referred to the Waste Management Commission, and I will bring back a reply as soon as possible.

MINIMUM RATES

The Hon. L.H. DAVIS: I seek leave to make an explanation before directing to the Minister of Local Government a question about minimum rates.

Leave granted.

The Hon. L.H. DAVIS: On Friday 27 March a half-yearly meeting of the Mid-North Regional Organisation was held. That is the umbrella body for 18 councils in the Mid-North and about 100 representatives from those councils were present. One of the items for discussion concerned debate on minimum rates. That was put on the agenda by the District Council of Spalding, and reads as follows:

> Council is disturbed that the State Government appears to be intransigent on abolishing the minimum rate, which would have dire consequences on council revenue. The concept and the practice is basically sound and is a mechanism used to try to equalise the impact of rating on the community. The District Council of Spalding firmly supports the retention of council's ability to strike a minimum rate and the Government's move seems to be motivated by political factors rather than an assessment of local government requirements.

The motion put to the meeting by the District Council of Spalding was that the region condemn the proposal to abolish the minimum rating system and that letters of objection be forwarded to the Minister of Local Governement, the Shadow Minister of Local Government, the Local Government Association and the Premier.

Not surprisingly, that motion was passed but, in the course of the debate on the motion, a senior officer of the Department of Local Government admitted that there was a link between the State Government's stated aim of abolishing minimum rating and the blowout in pensioner concession costs to the Government. It was admitted that, if minimum rates were abolished, there would be a saving of millions of dollars to the State Government through pensioner concessions and the Housing Trust; in other words, a senior officer of the department made a statement in direct conflict with the Minister's repeated claim that the minimum rating will be abolished because the Local Government Association has failed to justify it.

My questions to the Minister are: first, does she disagree with the public statement made by one of her senior officers to that Mid North regional organisation meeting; and, secondly, does she now admit that the abolition of minimum rating is designed to save the State Government an annual amount estimated to be as much as $20 million and, in so doing, financially screwing many of the State's 126 councils to the wall?

The Hon. BARBARA WIESE: This is yet another example of the Hon. Mr Davis's inability to think up new ideas, because we are having a rerun of the same old question that keeps being asked in this place at least once a week every week for as long as we can remember. I think that we have covered all the ground that needs to be covered on this question of the minimum rate.

The Hon. L.H. Davis: Just answer the question.

The Hon. BARBARA WIESE: I have answered every question that has been raised here today and last week so many times that it is becoming extremely monotonous. First, I would not accept Mr Davis's interpretation of anything that my officers said at any meeting, but if the remarks made by my officer have any relationship to the things that he has outlined in this place today, they are not at all inconsistent with the things that I have said publicly, as far as I can judge, because I have said on numerous occasions that the prime motivation of the Government in moving to abolish the minimum rate or to achieve a compromise position on the issue of the minimum rate is to bring about a fair and equitable rating system in local government circles which will ease the rate burden primarily on middle to low income earners, so we can return to a system which is based on the sort of system that it was designed to be in the first place; namely, a progressive tax on property.

As I have indicated on a number of occasions, in some areas of the State, because of the way that the minimum rate has been used, they have moved away from that concept. That is unfair and inequitable. As the years go by more and more councils seek to use the minimum rate inappropriately. They are using it as a revenue raising measure rather than basing it on something that can be measured. It is an arbitrary amount of money that is being charged by a number of councils and that amount has not been based on a basket of goods, or a basic service charge, or any of those things. It has been also deliberately set at a rate by a number of councils in order to attract the maximum pensioner concession. That is not something I have said but, rather, members of local government have indicated that that is the level at which they set their minimum rate in order to attract the maximum pensioner concession. In fact, the President of the Local Government Association was quoted in recent country newspapers as saying that he thought that that was a reasonable thing to do.

In my view that is not a reasonable thing to do. A minimum rate, as allowed under the original legislation, was designed to be a basic service charge and to cover the cost of sending out a rate notice. In the past few years it has become anything but that. It is unreasonable and the Government indicated that fact to the Local Government Association. It indicated also that there must be a modification in the system. That is the issue which we are addressing and that is the question which we are trying to resolve. The compromise proposal which I have put to the Local Government Association and which I am now having assessed independently will, I believe, provide us with a reasonable compromise which will be satisfactory to both the Government, in terms of easing the rate burden on low

income earners and, at the same time, assisting councils to maintain revenue levels, which is a major concern to them.

It is true that if we achieve a modification of this kind it will mean that the rate burden for the Housing Trust and on the pensioner concession scheme will also be eased. That is something that members opposite should applaud, not denigrate, because any money that the State Government is able to save by returning to an equitable system of rating will be put back into providing services, facilities and housing for people in this State who need them. That is a perfectly reasonable and admirable objective on the part of the Government and members opposite should agree with that.

PAYNEHAM REHABILITATION CENTRE

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to directing a question to the Minister of Health on the subject of the Payneham Rehabilitation Centre.

Leave granted.

The Hon. R.I. LUCAS: Last year, as the Minister is well aware, there was some concern about the prospect of the closure of the Payneham Rehabilitation Centre. I raised the matter of cuts in relation to the educational tutor positions at that centre. The Minister will be aware of the Karen Rittner story—the Rundle Mall coma girl story—and the effectiveness of the educational rehabilitation conducted by the educational tutors at the Payneham centre on Karen Rittner and other clients of the centre. A press release issued by Senator Grimes and Dr Cornwall about the Commonwealth/State agreement on Payneham stated:

> The Ministers said the sale price [of $3.25 million] was considerably below the site valuation, but as a 'quid pro quo' the State would assume funding responsibility for up to 12 health and rehabilitation professionals working at the centre.

Over the weekend I was informed that the recommendations to the Health Commission and the Government from the South Australian head injuries service in relation to the staffing of the head injuries service at Payneham were for 13 key positions at the Payneham centre and included a .5 educational tutor position.

Last weekend in the weekend newspapers seven positions were advertised by, I think, the Julia Farr Centre—the South Australian head injuries service. However, there was no mention at all of the position of educational tutor. The present educational tutor at the Payneham centre (the last one who remains, the others having been redeployed to other areas) has been told that she is to be declared redundant as at the end of May. She was told that on the understanding, she thought, that the position would be re-advertised and she would have the opportunity to apply. Obviously, other positions are involved, but I am particularly concerned at present with the educational tutor position. Needless to say, the staff there are concerned about why only seven positions have been re-advertised and about what the future is likely to hold for them. My questions to the Minister are as follows:

1. Is it true that the South Australian head injuries service made recommendations in a paper to the Health Commission for 13 professional positions at the centre, including a .5 position for an educational tutor?

2. Does the Minister accept the need for educational input in rehabilitation at the centre through the position of educational tutor in total programs for rehabilitation of the brain injured?

3. Will the Minister give a commitment that there will be a position of a .5 educational tutor at the Payneham centre and, if not, why not?

The Hon. J.R. CORNWALL: I believe that the Payneham story has been told on numerous occasions. The Commonwealth took a quite deliberate decision, Australia-wide, that it would decentralise the rehabilitation services. That is actively proceeding and, as I understand it, the Minister for Community Services, Chris Hurford, in fact commissioned the first of these in Adelaide earlier this week. The idea is that in terms of both vocational rehabilitation and a number of other areas decentralisation will occur to the suburbs, to TAFE colleges and to other suitable sites where it will be conducted in the local areas.

We negotiated with the Commonwealth concerning the Payneham centre and eventually purchased it on the understanding that, first, we had an outstanding need for the gymnasium, the hydrotherapy pool and the other facilities related to occupational therapy and physiotherapy. That was the primary consideration. The next consideration was, of course, the future of the health professionals—the rehabilitation professionals—who were employed at Payneham. It was made very clear that we would not take all of those who were then working at Payneham as some sort of job lot.

We identified up to 12 positions (and when I say 'we' I mean the head injury service, and I will return to our Statewide head injury service later), to my recollection, and we undertook (that is, the commission and the Government) to fund up to 12 positions as part of the deal that we negotiated with the Commonwealth. So, at the end of the day, we purchased the Payneham rehabilitation facility for $3.25 million. The valuations that we received put the real value, the market value of the property, as I said yesterday, at around $5 million, so we came out of that property deal better off to the extent of about $1.75 million.

The contra of that was, of course, that we would fund up to 12 positions. There was never to be a direct transfer. The employees were offered redundancy agreements where that was appropriate. A number of them were told—and it was made clear to them—that when we advertised the various positions they could apply for them and if they were successful applicants, they would then be employed under the State awards. I am not personally apprised of every position which has been created—full-time, half-time or otherwise—and which has been identified as part of this exercise. What I am able to say is that we now have a comprehensive State head injuries service.

For the first time we have in this State a comprehensive State head injuries service. That is most important, because there are very large numbers of South Australians, predominantly young males in the 18 to 25 age group, who are being seriously brain injured in road accidents every year. The estimate is that these predominantly young males, whose lives are being saved by sophisticated neurosurgery but who require very long-term rehabilitation, and in many cases will require special support for the rest of their lives because of permanent brain damage, are being produced through the system at the rate of something in excess of 100 a year. While they have severe and permanent brain damage, they do not have any significant physical impairment, so it is possible and, indeed, likely that the vast majority of these young men will live a normal lifespan.

If we add more than 100 a year, with the normal life expectancy, inevitably there will be many thousands of these people for whom the community must care. It is estimated that currently there are up to 2 000 severely brain injured people in the South Australian community. It was therefore very obvious that we needed a comprehensive head injuries service. We now have that. There is a Director in post and the service is based primarily at the Julia Farr Centre. The

Rotary wards have been refurbished and upgraded. I believe that the full service will be officially commissioned and opened by me—with a simple but moving ceremony—in the next few weeks.

We have also ensured that the gymnasium and hydrotherapy, OT and physiotherapy facilities, which are so important to this comprehensive service, are available at Payneham. In the whole matter, if I had any criticism at all of the head injuries service or the State health authorities generally, it would be that it is a pity in a way that we have taken so long to get there. Nevertheless, we now have a comprehensive State head injuries service of which I believe all South Australians are entitled to be proud.

As to whether I would personally support the appointment of a half-time educator, OT or physiotherapist or any other half-time employee in a system that employs about 25 000 people, I am not able to comment at this time. Frankly, it is nitpicking at the most extraordinary level. However, I am perfectly happy to take the fine details of the question and ask what is the current position with regard to the half-time educator and who might be employed in that position if, in fact, there is such a position, and I will convey the details to the Hon. Mr Lucas.

JUVENILE CRIME

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Attorney-General a question on juvenile crime statistics.

Leave granted.

The Hon. T.G. ROBERTS: I refer to an article published in the *Bulletin* magazine of 7 April 1987 headed 'The battle for the streets'. It asserts that South Australia's rate for juvenile crime involving serious assault, robbery and car theft is the worst in Australia. The article also asserts that the situation in South Australia with respect to burglary committed by juveniles is the second worst in Australia. The statistics referred to above are apparently found in an Australian Institute of Criminology publication 'The Size of the Crime Problem in Australia'. I understand that Mr Ingerson, member for Bragg, raised the matter in another place. Can the Attorney-General say whether the Australian Institute of Criminology figures with respect to juvenile crime in South Australia are comparable with figures for other States and Territories?

The Hon. C.J. SUMNER: I thank the honourable member for his question. It was asked by the member for Bragg of the Premier. Mr Ingerson also quoted the figures which appeared in the *Bulletin* of 7 April and which had previously appeared in a publication put out by the Australian Institute of Criminology. This matter has been raised now by the Opposition on a number of occasions. So that the Opposition is not under any misapprehension and does not continue to quote these figures as somehow or other indicating that South Australia has a more serious youth crime problem than other States, the facts ought to be corrected.

The simple reality is that the figures contained in the *Bulletin* as between the States are not directly comparable. Anyone looking at the figures would realise that there must be some problem in making direct comparisons. For example, if we look under the heading of 'burglary' we find, on the Institute of Criminology figures, that in New South Wales the rate of arrest for adults is 220.7 and in South Australia for adults it is 238.6. The figures are roughly comparable, yet if we take these figures for juveniles, we find the rate of arrests is 846.6 for juveniles in New South Wales and 2 225.3 arrests per 100 000 for juveniles in South Australia. That does not square with the situation as we know it with respect to crime rates in New South Wales and South Australia.

I therefore indicate that, first, the table that has been referred to relates to arrests per 100 000 of population for crimes cleared. It does not refer to offences coming to the notice of police. Secondly, the figures are not comparing like with like. I refer to a letter written by the Acting Director of the Australian Institute of Criminology that appeared in the *News* on 25 March 1987. Interestingly enough that was before the quoting of these figures by Mr Ingerson that were also reported in the *News*. Mr Biles stated:

> Mr Ray Whitrod recently claimed the South Australian juvenile crime rate for robbery and serious assault was the highest in Australia.
>
> He based this claim on data from 'The Size of the Crime Problem in Australia', published by the Australian Institute of Criminology.
>
> The statistics in that report were derived from official police publications and not necessarily compiled in the same way for all Australian jurisdictions. This inconsistency was clearly noted in the report.
>
> Juvenile offender statistics for South Australia include persons processed by screening panels. In other jurisdictions, many juvenile offenders are cautioned and not counted in statistics. In South Australia all, or nearly all, offenders are counted.
>
> Mr Whitrod is a respected criminology expert and must be aware of the problem of comparing statistics.

With respect to the *Bulletin* article, the Office of Crime Statistics Director, Dr Adam Sutton, has written the following letter to the Editor:

> Your cover article 'The Battle for the Streets' (7 April 1987) makes several references to Australian Institute of Criminolgy statistics on 'juvenile arrest statistics' and reproduces a table for various States and Territories (page 28).
>
> If this table is to be believed, there are some extraordinary disparities in juvenile crime rates in the different jurisdictions. For example, Western Australia seems to have four and a half times more juvenile arrests for burglary than New South Wales, and South Australian break-in figures are almost three times worse than the premier State's.
>
> Unfortunately, reality is far less exciting. As the Institute of Criminology has pointed out in another context (letter by Acting Director to Adelaide *News*, 25 March 1987), those 'arrest' figures are misleading because they derive from official police publications which are not compiled in the same way for each Australian jurisdiction. Juvenile offender statistics for South Australia and Western Australia include persons processed by juvenile aid panels. In other jurisdictions, like New South Wales, an official police caution performs the same function as an aid panel appearance. However, these cases are omitted from the police statistics. Put simply, if South Australia had compiled its figures in the same way as New South Wales, your table would have shown us as having less than one-fifth the 'juvenile arrest rate'.
>
> I trust these remarks will help your readers put the 'Battle for the Streets' article into perspective. No-one would dispute that Australia is experiencing increases in reported crime. However, I would be wary about putting much faith either in the police statistics you quote or the simplistic 'law and order' solutions you suggest.

I quote that letter from Dr Sutton to reaffirm what has been said by Dr Biles, namely, that the figures in the Australian Institute of Criminology report in this respect are simply not comparable State by State because they have been prepared by different means of collection. In principle the difference is between the use of the cautioning system in New South Wales and the use of juvenile aid panels in South Australia. I trust that that clarifies the situation for the benefit of the honourable member as well as for members in this Chamber and in another place and for the public at large.

UNPAID WORK

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation prior to asking the Attorney-General a question on unpaid work.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday the *Advertiser* reported concern by a Queensland doctor about the increasing number of women at his surgery with symptoms of anxiety and depression arising from the responsibility of caring for grandchildren when the children's parent/s are at work. Last week the Federal Government announced funding of $30 000 for a pilot survey to ascertain the range and extent of unpaid work done in the home.

I am aware that for a number of years the non-government voluntary sector has been calling for the collection of data on volunteering in the community to determine how many volunteers there are, what work they do, where it is undertaken and how much time is devoted to voluntary work each week and month. The common factor of all these examples, beyond the fact that women are involved in most of this unpaid work, is that nobody knows the extent of such work. By contrast, the Australian Bureau of Statistics and other agencies collect and compile an abundance of statistics on men and women in the paid work force.

These statistics, in turn, help Federal, State and local governments, together with interest groups, to promote initiatives and frame policy on issues relevant to people in the paid workforce. The fact that no corresponding data is gathered on unpaid and voluntary work has been put forward on many occasions as one reason why the special interests and problems encountered by people in the unpaid workforce are so grossly neglected. I note that, in relation to the Federal Government's pilot housewives survey in Sydney, the reception in South Australia by the Housewive's Association has been less than supportive in that the President has indicated that she believes the survey to be a load of rubbish and a total waste of money.

Does the Attorney-General, as Leader of the Government, agree:

1. That Governments are bereft of information on the nature and extent of unpaid, voluntary work in our community and its contribution to the well-being of this State?

2. That the collection of comprehensive information on this subject on a regular basis across Australia would be of enormous benefit to Governments in planning how best to use our country's resources, to tackle the lack of paid jobs and the special problems encountered by those without work?

3. That the Australian census once every four years would be an excellent and efficient method of gathering this information?

4. If the Attorney does agree, would he seek the cooperation of the South Australian Government to press the Federal Government for the inclusion of questions in the next census and thereafter that would aim to determine the range of unpaid work done in the home plus the number of people who undertake voluntary work, what they do, in which fields it is undertaken and how much time is devoted to such work per day, week and month?

The Hon. C.J. SUMNER: The answers to the honourable member's questions are as follows:

1. Yes.

2. Yes, in principle, but obviously there are resource implications involved in that.

3. With respect to information being collected through the next census, I think that question is worthy of consideration. It is not a matter of my responsibility, of course, but I will refer the honourable member's question—

The Hon. Diana Laidlaw interjecting:

The Hon. C.J. SUMNER: We do not pressure. That is not what we do. We make suggestions and the honourable member has made a suggestion which I will convey to the appropriate Federal Minister with respect to the next census and a survey of unpaid voluntary work in the community. I should say that there is no doubt in my mind that people (women in particular, who are working at home) and the Hon. Dr Cornwall concurs in my view on this topic, are really the unsung heroes of our community—

The Hon. Diana Laidlaw: Heroines. .

The Hon. C.J. SUMNER: Heroines—you are quite right. The unsung heroines, if they are female! In the case of those males who stay home to do that work, unsung heroes. There is no doubt that they do carry out a large amount of voluntary work which keeps the community going. They run the fetes at schools; they assist the teachers in schools; they care for the children of other parents who are out working—

The PRESIDENT interjecting:

The Hon. C.J. SUMNER: No, they do not, they do it voluntarily. Their friends ring them up and say, 'I am sorry, I have to go to work. Would you look after my kids for the day?' The ones who are at home end up getting landed with all the neighbours' kids because the neighbours are out working earning a quid. That is what happens. They contribute to the unpaid work in the school. They cook the cakes for the school fete; they organise the school barbecue; they go to the school sports day; they take the kids on outings and, in doing that, they take all the other kids for the women who are being paid to go to work who are not there because they are at work, so the poor voluntary woman in the home ends up looking after the whole community's kids, whether it be at school or at home, because the others are all out at work making a quid. What do they get in return for this? Sometimes they get some grudging thanks. Usually they get looked down upon because they are not in the workforce and that is the reality of what has happened in our community with respect to people who stay at home and decide to look after children and take some responsibilities in the community organisations.

The reality is that the schools, community groups, kindergartens and you name it are largely kept afloat because of the voluntary work of the people—mainly women—who stay at home and choose to be involved in child care, instead of like the Hon. Ms Laidlaw, making a career in the Parliament and getting very well paid for it. So, I agree with her, that the unpaid people in the workforce are grossly neglected. They are the unsung heroines and heroes of our community, and the reality is that the community could not function without the contributions that they make.

BICYCLE SAFETY HELMETS

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Health a question about bicycle safety helmets.

Leave granted.

The Hon. I. GILFILLAN: An excellent report has been prepared by a committee of the Victorian Parliament set up to look at the matter of child pedestrian and bicycle safety, particularly relating to trips to and from school and, amongst others, the use of safety helmets by child cyclists. The committee made a couple of comments which are very relevant to us in South Australia. These are:

(1) that traffic safety education is a survival skill, and that learning to travel to and from school in safety is a precondition for the wider education process;

(2) that traffic safety education must be universally available if children are to enjoy equality of access to its benefits; and

(3) that traffic safety education has wide societal impacts, particularly in helping to reduce adult road trauma.

The report makes many recommendations, but before referring to those, I would recommend to the Government through the Minister that it takes heed of this report. The committee was set up on 4 February 1986 and the recommendations cover the general education of road safety and general safety habits. I will not refer to that in the report, but I would commend it because I feel that the Government needs to be reminded that road safety is a very important part of the education of our children at school, and the resources have been shrinking in South Australia.

However, in relation to the use of safety helmets, the committee recommended that mandatory helmet use by bicyclists be introduced as soon as possible; that *bona fide* toy helmets be permanently labelled that the helmet is a toy only and should not be used for safety purposes; that the Ministry of Education require schools that allow bicyles to be stored on their premises to install safe and hygienic storage facilities for bicycle helmets; that, prior to the introduction of compulsory helmet use, the Road Traffic Authority and other interested agencies and authorities pursue their aims of an increase in voluntary helmet usage; and that immediately preceding and following the introduction of mandatory helmet use, the Government resume for a limited period only the universal bicyle helmet rebate scheme for helmets approved under the revised Standard.

I ask the Minister of Health to refer this question to his colleague but, because of his interest in brain damage and the cranial unit, I am sure that he will be particularly interested in it. My questions are:

1. Will he make the wearing of safety helmets approved by the Standards Association of Australia mandatory?

2. Will he ensure that such approved helmets are available and pertinent to the range of bicycle users in South Australia?

3. Will he further ensure that toy helmets are clearly so labelled?

4. Before mandatory use of helmets is introduced, if it is to be introduced (as I hope it will be), will he take such steps as are necessary to encourage their voluntary use, including a Government subsidy on all approved helmets?

5. Will he take steps in cooperation with the Minister of Education to ensure that secure and hygienic storage facilities are provided for those children who cycle to school?

The Hon. J.R. CORNWALL: A number of questions are involved, and they raise matters of policy and have very clear and substantial budget implications. I am not about to try to give firm answers on the run. I do not believe that that is what good government is about, that is, responding to specific matters of policy, with very substantial financial implications, in the dying stages of Question Time in the Upper House. Also, of course, the primary portfolio responsibility in this matter lies with the Minister of Transport. Quite obviously there are also matters in both the explanation and the questions which concern the Minister of Education.

May I say that, as a matter of general principle, as the Minister of Health I very strongly endorse the wearing of safety helmets. I exhort all parents to try to ensure where they possibly can that their children wear approved safety helmets. There is quite an array of suitable helmets on the market these days; they are substantially more attractive than they used to be, I might say. My youngest daughter recently purchased an Italian model, which is of the highest safety standard, is colour coordinated, and is a very much more attractive helmet than many of the earlier models used to be. In fact, some of the earlier models of helmets for cyclists were regarded by children as making them to some extent objects of ridicule among their peers. I am very pleased to note that that situation is very rapidly disappearing. Helmets are becoming more objects of fashion; they are seen to be substantially more attractive. They are my personal observations, and I certainly support the wearing of them 100 per cent. As to the matters of policy, with subsidy and budgetary implications and the legislative or regulatory matters that have been raised, obviously I must refer those matters to my colleagues and bring back considered replies.

CHLOROFLUOROCARBONS BILL

The Hon. M.J. ELLIOTT obtained leave and introduced a Bill for an Act to prohibit the use of chlorofluorocarbons for certain purposes. Read a first time.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

I shall begin my remarks by explaining what chlorofluorocarbons are. Perhaps the most commonly known one is freon. Chlorofluorocarbons are organic substances made up of chlorine, fluorine and carbon. The most commonly used ones are CCL_3F and CCL_2F_2. They have three major uses in Australia. According to figures from 1984, when 13 000 tonnes were used, about one-third were used in aerosols, about one-third in refrigerants and another one-third for the production of polyurethane foam. Also in this country they have other relatively minor uses in terms of quantity, although important in terms of what they do. For example, in the electronics industry I believe that they are used to clean microcircuitry.

What is the concern about chlorofluorocarbons? The concern probably first began in about 1974, when a Professor Rowland of the University of California and his colleague Dr Mario Molina first rang the warning bells about the CFCs in their paper 'Stratospheric sink for chlorofluoromethanes—Chlorine atom catalysed destruction of ozone'. Ozone is particularly important to life on earth. For anyone who does not know what ozone is, I point out that it is a form of oxygen. Instead of O_2, which is the usual form of oxygen, ozone is comprised of O_3 molecules. Most ozone exists in the stratosphere. The concern is quite simple: chlorofluorocarbons have been linked with the destruction of the ozone molecules in the upper stratosphere. I quote from an article from *Simply Living*, as follows:

> It is estimated that even with a drop as small as 2.5 per cent, there would be half a million additional cases of human skin cancer each year. We do not yet know the affect on plants, trees, animals and sea life, but we know that cases of malignant melanoma have risen by 1 000 per cent in the past 30 years in the USA. Malignant skin cancer in Queensland is already the highest in the world. The rate doubled between 1966 and 1977, and has been increasing at 8 per cent annually.
>
> The US Academy of Sciences is concerned that there will be 'intolerable consequences for the world's food supply by reducing crop yields, killing the larvae of several important seafood species and destroying micro organisms at the base of the food chain'. We know that Ultraviolet-B radiation (290 nm-320 nm) is between ten thousand and a hundred thousand times more damaging to DNA than sunlight at 320 nm to 400 nm (Ultraviolet-B). It is believed that for each 1 per cent decrease in stratospheric ozone, there will be a 2 to 5 per cent increase in basal skin cancer and a 4 to 10 per cent increase in squamous cell skin cancer. A drop in ozone of the order forecast by Professor Rowland would kill more Australians than the road toll and AIDS combined.
>
> Not only do CFCs cause a drop in ozone levels, they also contribute enormously to global warming [in particular] (the greenhouse effect). The United States Academy of Science says that CFCs are at least 10 000 times as efficient as CO_2 in preventing the escape of infra-red radiation.

The greenhouse effect (for those who are not familiar with it) involves light coming from beyond the earth. When it strikes the surface of the earth, the light is absorbed and then reradiated as infra-red and these lower frequency wave lengths (the infra-red wave lengths) are readily absorbed by what are called the greenhouse gases, so the amount of infra-red which escapes from the earth is decreased and that causes an earth warming.

For a long time people have complained about increasing CO_2 levels, but they have not taken sufficient notice of the effects of what were called the trace gases, one of which is the CFCs and, as I said, a CFC is 10 000 times more efficient than carbon dioxide in absorbing the infra-red and therefore having the greenhouse effect. The greenhouse effect has certainly gone past what some people might want to call the airy-fairy stage. In fact, the Minister for Environment and Planning, in response to a question from Mr Robertson in the House of Assembly on 19 February, conceded the very real concern and he stated:

> There is little doubt that there is continuing carbon dioxide build-up, as there has been occurring since probably midway through the eighteenth century. However, the figures on the impact this will have on ocean levels as a result of thermal expansion from water have had to be revised upwards because of an appreciation that trace gases such as methane probably have a contribution to make equal to the greeenhouse effect as does carbon dioxide itself.

There is no doubt that the Hon. Dr Hopgood is taking the greenhouse effect most seriously and he concedes also that trace gases are very important and that the CFCs are amongst the most important of the trace gases in terms of accelerating the greenhouse effect.

Professor Rowland's initial estimate of eventual global ozone depletion was a loss of 7 to 13 per cent. Estimates by others since then have ranged considerably, from as low as 3.5 per cent to as high as 33 per cent. CFCs were first identified in the background atmosphere in the early 1970s and have been shown to be accumulating in both hemispheres at approximately equal rates, despite the fact that approximately 95 per cent of emissions have occurred in the northern hemisphere. Professor Rowland estimates that about 14 million tonnes have been added to the atmosphere and that these are being added to at the rate of about half a million tonnes a year. Observations of atmospheric concentrations of CFC-11 by Australian scientists at Cape Grim (Tasmania), Wilbinga (Western Australia) and Mawson (Antarctica) between 1976 and 1980 confirm predictions of increases in CFC-11 as proposed by a two dimensional model. The increases are in fact ahead of predictions. The model predicted an increase of approximately 41 per cent, whereas readings actually increased by approximately 59 per cent.

These warnings were taken seriously by a number of countries overseas and in 1978 the United States Environmental Protection Agency banned CFCs as aerosol propellants. Canada followed suit and the European community decreed a 35 per cent reduction in CFC powered aerosols. Norway and Sweden have also followed the Canadian and United States example and have completely banned the use of them as propellants. Overnight the American industrial demand for CFC-11 and CFC-12 dipped by 40 per cent, but by 1984 United States and world production returned to the same levels as before the bans were imposed six years earlier. New uses had been found for the chemicals in producing throwaway foam packaging and in cleaning electronic components. In 1984 and 1985 world production again increased by 7 per cent and 5 per cent respectively and during the same period evidence of ozone depletion in the stratosphere continued to mount.

What did Australia do during that time? The aerosol manufacturers at first took things very seriously and in fact the consumption of CFCs in aerosols dropped, I believe, by something like 70 per cent, but I think that it needs to be noted first that aerosol use still comprises one-third of total CFC consumption. It is also noticeable that, whereas in the late 1970s and early 1980s many cans seemed to be carrying the claim 'This is safe for the atmosphere and the ozone layer', that sort of thing does not appear to now be stated on the cans. To some extent, I think that awareness started to drop away. Then the warning bells were again rung. British scientists observed a steady decline in ozone readings since 1977 at their Halley Bay base in Antarctica, but they did not give these surprising readings any credence until observing similar losses at their measuring station in the Argentine islands in October 1984. So, for seven years they had been seeing the decline in ozone readings and they decided to ignore it.

The NASA Nimbus 7 satellite had been receiving the same information, but had been programmed to reject exceptionally low readings as erroneous—such minimal readings had never before been recorded anywhere on earth. This information caused a furore in scientific circles, and deep concern in Government. Not one of the computer models had predicted such a catastrophic short-term loss. No-one knew what was causing it or whether it was man-made or natural.

We are now looking at what is called an ozone hole forming over Antarctica. In 1979 it was probably something like one-fifth the size of continental Antarctica, but by 1984 this same ozone hole was the size of Antarctica itself—it had increased something like five-fold in about five years.

The Hon. Peter Dunn: It is not an ozone hole; it is a hole in the ozone layer.

The Hon. M.J. ELLIOTT: I stand corrected by the Hon. Mr Dunn. There was a hole in the ozone layer. An Australian scientist suggested that ozone depletion might show up in the Antarctic regions first, but no-one treated it seriously until it occurred. Not only has that break in the ozone layer increased year by year, but also it has persisted for longer each year and its intensity has greatly increased. The reasons now put forward for it are extremely complex.

Scientists have proposed different explanations for this gigantic new hole in Antarctica's ozone. Many would prefer it to be caused by a natural event. Companies such as Kaiser Aluminium, Du Pont, Pennwalt Corporation and Allied Corporation must be praying that it is caused naturally—sales of CFCs around the world are worth over a billion dollars annually and these companies are investing tens of millions of dollars in new plants in China and the Third World. Some scientists may not be totally objective. As Professor Rowland says, 'Another problem, in my view, is the fact that the chlorofluorocarbon panel of the Chemical Manufacturers Association has become an important source of financing for atmospheric research, with the result that a substantial number of our finest atmospheric scientists are being supported in their work by companies engaged in the manufacture of CFCs.'

I expect that we will see CFC manufacturers become increasingly mobile. In fact, I was surprised at how quickly I received phone calls from a number of people, amongst whom was a group I had not heard of before, and I refer to the Australian Fluorocarbon Consumers and Manufacturers. I was informed that that group had formed quite recently and I also was contacted by the Aerosol Association, which has quite large companies behind it. Behind these associations are large multinational chemical manufacturers and I expect that we will see similar behaviour

from them as we saw from the tobacco companies when attempts were made to limit tobacco advertising.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: Vested interests do amazing things. Tobacco companies actually claimed that there is no real scientific evidence that proves beyond doubt that tobacco smoking causes cancer. All members would have heard those claims, which were made not that long ago and which continue to be made. It is obvious that companies with vested interests will try to create the same degree of scientific uncertainty about this matter. However, I suggest that that degree is becoming quite small. It is worth quoting a Dr Robert Watson, who said:

> Given what we know about the ozone and trace gas chemistry climate problems, we should recognise that we are conducting a global experiment on the earth's atmosphere without a full understanding of the consequences.

We produce prodigious quantities—half a million tonnes a year—of chlorofluorocarbons which find their way to the stratosphere, and the concentrations are increasing. What will happen? I suggest that two pathways are available to us. One is to take the attitude, 'Let's wait and see what happens.' What an amazing experiment that would be. It would be a bit like the person who first made dynamite putting a match to a large quantity of it to see what it would do. We are in the middle of an experiment from which we cannot escape. If we had even a modicum of commonsense we would heed the warnings that have been given to us.

All the experts agree that some CFCs and several related substances are capable of damaging the ozone layer and accelerating the greenhouse effect. That is the first point worth making. There does not seem to be any doubt among the experts that CFCs are capable of doing that. Reports prepared by the United Nations Environment Program blame the inhalant gases of CFCs for 90 per cent of the observed damage to the ozone layer. The vast 1 500 page study produced last year by the United States National Aeronautics and Space Administration (hardly a radical organisation) predicted a 9 per cent depletion of stratospheric ozone over the next 70 years if CFCs continue to be admitted at current rates. The United States, together with Canada and the Scandinavian countries, would like to freeze CFC admissions now and progressively reduce them by 95 per cent.

I come now to the Bill itself and the way in which I see it functioning. I expect that some amendment will be needed but the important outlines are present. First, I refer to the question of the use of chlorofluorocarbons in aerosols. Since 1978, the United States has outlawed the use of chlorofluorocarbons except in certain specified circumstances, and clause 5 provides for similar allowances. A number of alternatives are being used in the United States. Some are cheaper although others are marginally more expensive, but when one considers the usual price of products in aerosol packs, one sees that the overall impact is minimal. It is particularly minimal when it is lined up against what will happen if suitable action is not taken now to ensure that the ozone layer does not continue to decrease as it is at present.

I have been informed that in Australia a plant is due to start manufacturing within six months a substance known as di-methyl ether (DME), which is seen as a substitute for CFCs in a large number of cases but may not be suitable in all cases. As I said, the Americans have not seen the phasing out of CFCs as a significant problem. Manufacturers of CFCs in the United States kicked up a mighty stink at the time, but those chemical manufacturers have got smart now and are trying to make money out of the alternatives rather than trying to persist in a losing battle. For the sake of humanity, it must be a losing battle.

I have tried to tackle in the Bill the question of chlorofluorocarbons in another major use, as a refrigerant. They are used in refrigerators and refrigerated air-conditioners in homes and cars. There may be other options to tackle this problem but significant inroads have already been made in the United States into the problem of finding suitable alternatives. At the very least some chlorofluorocarbons have been developed recently which are far less harmful than those which are currently used in refrigerators.

It is worth referring to clause 5, which is the final clause of the Bill. I understand the need for a regulating power that will permit exemptions for a number of reasons. For instance, if a company could clearly demonstrate that the use of alternatives in an aerosol in particular instances could be dangerous and that CFCs should be used, that is a possible exemption. If manufacturers can demonstrate that the time period set in the Bill is not sufficient but that they do have real options available within the very foreseeable future, that too might be an exemption. I can see one possible exemption for manufacturers of refrigerators by which they may be allowed to continue to use CFCs. However, conditions might apply as to which CFCs can be used in those refrigerators. In that way there will be a significant attempt to achieve my aims. Another point that needs to be taken into account is that the manufacturers of refrigerators in South Australia try to sell them interstate. If similar regulations do not have effect in those States, it would be absolutely ludicrous to ban the manufacture of refrigerators with chlorofluorocarbons for use in other States. Manufacturers would simply relocate and I am not in any way trying to cause economic dislocation in my attempts to save the ozone layer.

I do not expect that this Bill will go through all stages in this session, and that I may need to introduce it again in the budget session. I will certainly do that. This gives forewarning to manufacturers and other interested persons of my intent. I hope for a rational debate although I am aware that certain vested interests will not see things that way. What I ask for is reasonable. I have attempted, by way of proposed exemptions, not to cause economic disruption while doing something which is environmentally sound for this planet. I seek support for the second reading of the Bill.

The Hon. G.L. BRUCE secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 1 April. Page 3661.)

The Hon. CAROLYN PICKLES: I oppose the second reading. Like the Hon. Trevor Griffin, I believe that the right to vote is the basis for a democratic society. But unlike the honourable member, I do not believe that changing our present system will further democratise voting in South Australia. Democratic government means majority rule and the expression of an opinion by a majority of electors. If, for example, some 30 per cent of those entitled to vote do not exercise that right, we will never know how that vote should have gone, nor would any resultant Parliament be representative of the majority of citizens.

The Hon. Mr Griffin mentions the fact that Australia is in a minority of Western democracies where compulsory voting is the law. Does this make South Australian law a bad law, which we must change? Compulsory voting was

first applied to an Australian Federal election in 1925. At the time of its introduction in the Senate, Senator Pearce said:

> In my opinion, the right to vote is a duty as well as a privilege . . . I venture to say that in a country like Australia, where we recognise that every man and woman has the right to vote, that right becomes more than a privilege, it becomes a duty. Hence we declare that the law should compel every citizen to discharge his duty in this connection.

In 1942 when compulsory voting was introduced into South Australia, the Hon. E. Anthoney, MLC, stated:

> . . . I contend that it is a moral obligation on the part of all citizens to go to the polling booths every two or three years and do their duty by casting a vote . . . Every Government has the right to expect that it is governing the majority of the people. If we cannot get electors to vote, then in order to function we should use other means. We don't like compulsion applied to anyone who has these moral rights which should by availed of without pressure. The whole question resolves itself into what is a practical expedient.
>
> We cannot say that it is a man's right and that he should do what he likes with it; it is a duty. If he does not exercise it and the whole community suffers, we must come down on the side of expediency and weigh the advantages against the disadvantages.

I presume that the honourable member was also referring to women in the electorate, because they were allowed to vote at that stage. These sorts of sentiments have been stated and restated over the years, in all the Parliaments of Australia. Between 1915 and 1942, every State and the Commonwealth adopted compulsory voting: in Queensland, 1915; in Victoria, 1926; in New South Wales, 1928; in Western Australia, 1936; and in South Australia, as I said, 1942.

In the last Federal election before compulsory voting (1922), only 59 per cent of the electorate went to the polls, but, since compulsion, the percentage has been over 90, and this can be translated to the experience in this State. At the time it was introduced, opponents stated that it would greatly increase informal voting and lead to electoral irresponsibility at the best, widespread corruption at the worst.

Experience has not justified the first prediction: percentages of informal votes under compulsory voting have at times been more, at times less, than under optional voting. This has, in part, been due to complexities of the system, which has been amended from time to time. Electoral corruption has certainly not increased. Whether electoral irresponsibility has increased is not easy to answer. Certainly, people may deliberately vote informal. However, this could also be the case with optional voting: there will always be the few who want to make a point and mark their ballot paper accordingly.

Compulsory voting has been in operation in South Australia for 40 years, and enrolment in this State remains voluntary. So, in fact, a person may choose not to be enrolled and, if enrolled, may exercise their right to vote and accept the consequences for failure to do so, or deliberately cast an informal vote. I have not heard a great clamour for optional voting. We had a very lengthy debate in this Chamber in March 1985 on the Electoral Act, and some members opposite, indeed, supported optional voting.

It seems to me, from perusing the second reading contribution of the Hon. Mr Griffin, that his major argument in favour of optional voting is that Party members will become more active in endeavouring to persuade the electors to go to the polling booths. I know that the Liberal Party is in dire straits and probably does need some geeing up.

Members interjecting:

The Hon. CAROLYN PICKLES: The results of the last election show that, in fact, the Hon. Mr Hill's Party is in dire straits, and the Federal election will only confirm that view. I can only speak for the Labor Party. We have a very well oiled machine, but we prefer not to spend time talking to people in the community about our policies. I cannot see that running around—

Members interjecting:

The Hon. CAROLYN PICKLES: Well, we do not know what—

The Hon. R.I. Lucas: Come on, defend Schachty!

The Hon. CAROLYN PICKLES: Mr Schacht is a very good organiser in the South Australian Labor Party and he has helped win a few elections against members opposite. I cannot see that running around actually persuading people to go to the polls is at all productive. The Hon. Trevor Griffin mentions the United Kingdom as an example of the terrific effect of optional voting. Well, I have lived under that system and I can assure the honourable member that it has its pitfalls. I have seen enormous amounts of effort put into getting people to the polling booths. I acknowledge that there is generally about a 70 per cent turnout, but we should be aware of where the majority of those voters come from. They are ferried along in vast numbers to the polling booths and in areas where people are poor or, largely, migrant, they just do not go.

The United States has a similar experience. In the 1980 Carter-Reagan presidential poll, less than 54 per cent of eligible North Americans voted, and the poll was lowest in working class, negro and ethnic areas. I believe that this ferrying of voters to the polls allows undue influence to be exerted. We know it goes on in local council elections: I have seen it happen; I have seen them roll up to the polling booth, six to a car. I am all in favour of saving energy, but it becomes pretty obvious that someone is organising the votes.

The Hon. Mr Griffin also implies that somehow or other optional voting will make members of Parliament work harder for their electorate. It seems to me that the honourable member works pretty hard now—I know I do. If I had to spend vast amounts of my time actually persuading people to turn up to the polling booth, I think I would be doing the electorate a disservice. I believe that we should let them make a choice and at their leisure go to the polling booth of their own accord and volition.

The Hon. L.H. Davis: Why do all the other countries have voluntary voting?

The Hon. CAROLYN PICKLES: I am just about to tell you. Members opposite have no real reason for changing the system except that they see some kind of cynical electoral advantage. There is really no evidence to show that optional voting makes for more effective parliamentary representation. Implementing the policies is what counts. I am sure the electors would prefer us to spend more time on getting things done than getting them to the polling booth. Another aspect of optional voting should be looked at in the light of contemporary experience.

Members interjecting:

The Hon. CAROLYN PICKLES: Perhaps Mr Davis should listen to this point. We have seen the emergence of a powerful, well-funded and organised extremist right-wing organisation seeking to put into the Lodge in Canberra a man who has not even bothered, at this stage, to nominate for a Federal seat, who has not put himself to the test in a Federal electorate, yet the money and resources of the part-time Premier of Queensland could manage to get a disproportionately high vote, if that vote was optional.

At the last South Australian election, another extremist right-wing group secured about 3 per cent of the total vote. But what if we had had only a 59 per cent turnout (as we did in 1922), and as still occurs in some parts of the United Kingdom and the USA? The result could have been quite

different. This minority group could have commanded a much higher vote than its actual community support indicated. A very small minority view could have been represented in Parliament. The Hon. Mr Griffin wants to think about that very carefully.

Members interjecting:

The Hon. CAROLYN PICKLES: It is quite right. The honourable member opposite refers to the article in the *Sunday Mail*. I think it hit the nail right on the head. Electoral advantage is what members opposite are about, not doing the best for the State. In the end we have to do what is best for South Australia. I am certainly not averse to changing the law if it is a bad law.

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: I do not believe in keeping a law merely because it has been there for 40 years. However, compulsory voting has served the people of South Australia well. Once we managed to get full adult franchise and a fair electoral distribution, we have certainly seen the will of the people change Governments in this State. There is little evidence that compulsory voting is felt to be oppressive by any substantial element of the population. There is a total absence of complaint in any of our legislatures, and complaints by way of letters to newspapers are infrequent.

Finally, there are arguments that compulsory voting advantages one or other of the major Parties. It is not possible to show this convincingly. The voting pendulum swings from one to another, depending on response to electoral factors. One thing that can be said about compulsory voting is that it assists a popular Government to stay in power, and punishes severely a Government which is unpopular. I oppose the second reading.

The Hon. I. GILFILLAN: I oppose the Bill. I do not intend to go over the argument in detail because we have debated the matter on similar occasions before. The Democrats strongly support the obligation of electors to attend at the polling booth and, as a result of successful amendment, there is now no compulsory voting as such in South Australia. I draw the Council's attention to a couple of points. First, it is misleading (I would describe it as grossly misleading) that the Government has allowed a form to be circulated to householders entitled 'electoral enrolment form'. It states that it is an application form to enrol, vote, change one's address or other details relevant to Federal and South Australian elections. In answer to one question, 'Do I have to enrol?' the answer is, 'Yes, if you are 18 and eligible you must enrol.' That is blatantly wrong. I do not know whether it was inept parliamentary procedure or an oversight—it is hard to attribute—but, in looking at the final form of the Electoral Act of 1985, it is quite clear that, in the sections of the Act which theoretically deal with the obligation to enrol, there is no compulsion to enrol for State elections.

However, there is an interesting conflict of intention in the explanation of the clauses in the second reading explanation. Apparently clause 32 was designed to impose an obligation on a person who is entitled to enrol to make a claim for enrolment. However, if one looks at section 32 of the final Act, it does not place any such obligation on an elector, and the State Electoral Commission is fully aware of that. If anyone were to ask the Commissioner, one would be assured that there was no legal obligation on an elector to enrol in South Australia. Yet, at the same time, the Government is putting about the statement that it is a compulsion to enrol.

Without arguing the pros and cons of whether it should be an obligation to enrol, the fact is that the current legislation does not cater for it.

The Hon. R.I. Lucas interjecting:

The Hon. I. GILFILLAN: The Commonwealth and State of South Australia are referred to on the form. I assume that it came from the commission. The question has been asked by way of interjection whether it is the Government or the Electoral Commission promoting this pamphlet. Because I am certain that the Commissioner is aware of the anomaly and knows that there is no legal obligation to enrol I can only assume that he has had some instruction to put it out. That is something that should be cleared up.

The other point in discussing compulsory voting is that section 85 (2) in the current Act, specifically inserted by the Democrats to overcome any objection that we considered reasonable to so-called compulsory voting, provides:

> An elector who leaves the ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of the duty imposed by subsection (1).

That refers to the duty of every elector to record his vote. So, it is quite clear that we do not have in the severe sense compulsory voting in South Australia, but the Democrats do not support any measure which would make the obligation to attend at the polling booth purely a voluntary act at the whim of the individual on the day, subject to all the vicissitudes of weather and other quite temporary factors. I indicate quite clearly that we oppose the Bill.

The Hon. G.L. BRUCE secured the adjournment of the debate.

SELECT COMMITTEE ON SECTION 56 OF THE PLANNING ACT 1982 AND RELATED MATTERS

Adjourned debate on motion of Hon. G. Weatherill:

That the report of the select committee on section 56 of the Planning Act 1982 and related matters be noted.

(Continued from 18 March. Page 3471.)

The Hon. T.G. ROBERTS: In rising to support the recommendations of the report of the select committee into planning, I thank the other members of the committee and the President, Ms Levy, for the role she played in chairing the committee. It was a difficult and vexed question with which to come to terms. Section 56 of the Planning Act touched a lot of people's lives in organising the ways in which they carry on their business on a daily basis. It touches on just about everything people do and therefore attracted a lot of attention. The committee received 14 submissions from a wide cross section of the community, including individuals from community groups, development and industry groups, conservation groups, local government and professional associations. Seventeen individuals or organisations also appeared before the committee supporting submissions.

I thank the Hon. Diana Laidlaw for the support she gave to the committee, as she had followed the question right through on previous committees. She made a valuable contribution. The committee also looked at a draft Bill and that in itself was new to me, being an inexperienced member of Parliament. It was also interesting to see a draft come out of the report. I take this opportunity to thank all other members on the select committee. I will not make further contribution in terms of the recommendations and subsequently the draft legislation that came out of the report.

The Hon. Diana Laidlaw did all that, and it is in *Hansard*. For those who are interested in looking at the recommendations, I suggest that they go to that part of *Hansard* to get the details. With that brief statement in terms of the

contribution made by the committee in coming to terms with section 56 of the Planning Act, I conclude my remarks.

The Hon. M.J. ELLIOTT: I will make a brief contribution. In fact, I think the report tabled from the committee covers all of the important aspects. I was very impressed by the working of the committee. It was the second chance I have had to be on a committee and this one sat at quite some length, and the working relationship within that committee was extremely good. I think we took a very balanced view, trying as much as possible to cater for the legitimate rights of people involved in the existing use and, at the same time, those of the nearby residents. It is not an easy problem. I do not think that any answer arrived at would make everybody happy. In fact, sometimes when one searches for a compromise, the final result is that nobody is happy. I believe that what the select committee finally came up with was the best solution that we were capable of, and we put a great deal of effort into it.

The one disappointment that I had—and I might say more about this later on when we come to debate the Bill which relates to this committee—was that after consensus had been reached within the committee, the Bill that we will be debating does not conform with our recommendations. People might say, 'What is in a word?', but the changing of words can alter the intent. It could be suggested that the Government has tried to keep our ideas, but clarify them. However, in drafting, sometimes they might be clarified in a certain way which was not the original intent and be more clearly one person's opinion than another's. With the committee having sat for quite some months and deciding the way it wanted to go, and then finding in Parliament that we have something before us which is not quite the same makes me wonder whether or not all of those months were completely worthwhile. I will be seeking to return the Bill to the original intent of the committee.

Motion carried.

WEST COAST PRAWN FISHERY REGULATIONS

The Hon. PETER DUNN: I move:

That the general regulations under the Fisheries Act 1982, concerning West Coast Prawn Fishery, made on 27 November 1986 and laid on the table of this Council on 2 December 1986, be disallowed.

I am asking that these regulations be disallowed for several reasons. I have the regulations and the reasons for those regulations, which were tabled today. The regulations have been accepted by the West Coast Prawn Fishery as being good regulations but, like a lot of the present fishery regulations, they have one barb in them, and it is a beauty. It deals with the transfer of licences, and the explanation given with the regulations states:

Traditionally, additional or new licences for developing fisheries have been allocated at little cost to the endorsee. This has resulted in significant capital gains when original licence holders transfer out of a fishery, but places a significant cost impost on the new entrant, resulting in increased effort needing to be expended into the fishery. To avoid this it is recommended that the full tenure licence be non-transferable, and that the replacement of any operator who leaves the fishery take place on a tender basis, with the South Australian community (through the Government) being the ultimate beneficiary.

Goodness gracious me! Have you ever heard anything as one-sided as that? Here we have fishermen on the West Coast who started trawling for prawns in 1972 spending all that time helping the South Australian Government determine how good the industry is in that area and the sort of resource that is there. Yet the Fisheries Department says that they make a large profit if they are allowed to sell their licences.

What about the risk factor? There may not have been any prawns in that area. They bought the boats; they went up there and supplied the crews; they spent the time fishing in those very rough waters off the southern ocean. They were the people who virtually got the industry going. I guess the South Australian department only came into the act after it knew that there were some prawns in the area. The fact is that the fishermen took the risk. They were the people who tried very hard to make an industry, and to make some export earnings for this State, yet the department has the gall to say that they get significant capital gain. Why should they not get significant capital gain out of it? The department says it is a cost on the new entrant. I am lost as to why there would not be a cost on a new entrant anyway, because a little further on the explanation states:

Replacement of an operator who leaves the fishery takes place on a tender basis with the South Australian community, through the Government, being the ultimate beneficiary.

In other words, it is a money making concern for the South Australian Government and not for the person who puts the work into it.

The Hon.J.R. Cornwall: The people of South Australia. It is a common resource.

The Hon. PETER DUNN: We have heard that socialist claptrap before, time after time. I agree that it is a resource. So is my farm a common resource, if you want to take that attitude. It is quite ridiculous for the Minister to say that. I appreciate that we can all fish it but there was no resource there until these people developed it, and the Minister knows that. It was their money, their time; they are the people who developed the resource, and the department did very little about it.

The Hon. J.R. Cornwall interjecting:

The ACTING PRESIDENT: Order! The Hon. Mr Dunn has the floor.

The Hon.PETER DUNN: He is all right, Mr Acting President, just buzzing around on the outskirts. I could give you a full page of the requirements that the Department of Fisheries asked of the fishermen in that area. The information to be included in the form of return is as follows:

(c) the number of days and the dates on which the holder of the licence was engaged in the taking of prawns and in respect of each of such days—
- (i) the principal area where fishing occurred (showing both fishing block and fishing grid);
- (ii) in respect of each trawl—
  - (A) grid and fishing block area;
  - (B) starting time;
  - (C) duration of trawl;
  - (D) estimated revolutions per minute of the engine;
  - (E) trawl direction;
  - (F) estimated catch of prawns in kilograms;
  - (G) weather conditions;
  - (H) bottom conditions;
  - (I) water temperature;
  - (J) other species of fish taken incidentally in the trawl nets;

It goes on and on. The department really does want to know the ins and outs of what the industry and the resource is. Do not tell me that that is not significant information. Anyone coming newly into the industry will have to pay to get it. They will go through all this rigamarole, and on top of that pay $14 000 a year for the licence and, ultimately, the curse is not to be able to transfer the licence. That is amazing.

The Hon. J.R. Cornwall: It is a management matter.

The Hon. PETER DUNN: We will go into that in a moment. The Minister knows as well as I do that it can be managed better by other means.

The Hon. J.R. Cornwall: That is rubbish; you are making a fool of yourself.

The Hon. PETER DUNN: The Minister certainly has made a fool of himself. It is all in the regulations. They are very clear, and, if the Minister wants to spend an hour here I can go into how the Government is going to regulate the industry in great detail. To ask people to tender, to pay for the right to fish in that area, is to me no different at all from paying for the licence, for the simple reason that people will tender roughly at the same rate as they would to buy a licence from someone else. Do not tell me that that will not put pressure on the industry. If one pays money for a tender, naturally one has to recover that money, and the only way in which one can do that is by fishing for it. To say that, when fisherman A sells his licence to prospective fisherman B there will be an increase in the pressure on the resource, because fisherman B has to cover the cost of that licence, is not correct. To me, there is no difference if fisherman B has had to tender for the licence and then give the money straight to the Government. I fail to see the argument in that.

Let me explain what happens if one does not transfer a licence. I refer to a case concerning an abalone fisherman. Many members would remember this and I am sure the good doctor would remember it. About eight years ago the abalone fisherman in question was taken by a shark; he was killed and his body was recovered. His abalone licence was not transferable at the time. He left a young wife and family with absolutely nothing. His entire fishing gear consisted of a boat, hubble-bubble gear and a vehicle and trailer to transport the boat—in total probably not worth more than $15 000 to $20 000. This was the sum total of all the effort that he had put into his work. Because that licence was not transferable his wife even could not inherit it. So, she was left with nothing. Imagine what happens when someone dies in the prawn trawling industry and the licence is not transferable. We could see the same situation involving someone with a boat worth $100 000, or whatever the figure might be—it varies greatly with the size of the boat. However, in such a case a widow would finish up with nothing more than the gear involved; nothing for effort. Yet, in every other industry goodwill is involved. Dr Cornwall himself has sold his practices with goodwill in them, I am sure.

The Hon. J.R. Cornwall interjecting:

The Hon. PETER DUNN: The Minister is trying to tell me that those people have not developed a practice: I am trying to point out that they have spent about 15 years developing this resource; it was not there when these fishermen came into the industry. Why should they not have the ability to transfer that licence at a fee with some goodwill involved? Dr Cornwall himself bought his business and developed it—in fact, he did not develop his business in Millicent, as he bought it from Mr Humble, and no doubt when he bought the practice he paid for goodwill in it, and I daresay that he claimed goodwill on it when he sold it, too. I think my facts are correct in that regard. So, there was goodwill involved in the practice down in the South-East and there is goodwill involved in this case as well. In the taxi industry, one sells goodwill with a licence.

The Hon. J.R. Cornwall: One sells the licence; one does not sell the goodwill at all. It is a controlled industry, one sells the licence.

The Hon. PETER DUNN: The Minister's commercial knowledge is lacking absolutely; the doctor is showing absolutely no commercial judgment at all. Those people in the rest of the fishing industry can transfer licences.

The Hon. J.R. Cornwall: One sells the licence; there is no goodwill involved.

The Hon. PETER DUNN: There is goodwill involved—the Minister should not kid himself. He is sitting there internally haemorrhaging about this.

The Hon. J.R. Cornwall: Not at all.

The Hon. PETER DUNN: If one is buying only a licence, why are licences the value that they are? Is it because there is goodwill involved, and the Minister knows that. We have just spent three or four hours in this Chamber debating the Gulf St Vincent Prawn Fishery Bill. In relation to that measure, we have agreed to make the licences transferable. That will not occur immediately but in future, and maybe that is the way that this industry should go. But let me assure the Minister that every other industry has transferability on its licences. Why single out the West Coast prawn fishermen? It just does not add up; in these circumstances how can one make the sums add up? I think the Minister is being pedantic, endeavouring to show that he is a strong man. Let me say that his department does not like the transfer of licences proposal, and that has been said in a number of departmental publications. To demonstrate that, I point out that Mr R.K. Lewis, Acting Director of Fisheries, has said:

> If licences cannot be sold to succeeding fishermen, licence holders withdrawing under the effort of reduction scheme will need to be compensated only for the rent he would have accumulated before his death or eventual retirement. If, on the other hand, transferability exists the licence holder will have to be compensated for the full price obtainable on the open market.

Quite obviously, the department has a policy that it does not want licences transferred, but it has been shown by argument that that is not so. They are worried about the high transferability. Mr Lewis goes on to say:

> In addition, industry representatives have frequently voiced concerns that the high transfer fees are a major restriction on skippers and crew to enter the fishery.

I would have thought that that would be a very good argument to lower the pressure. If the cost of the licences is high that will restrict the number of people intersted in a licence, but surely that is a matter of commercal judgment as to how much they pay for that licence, and if the prospective purchaser believes that there is a financial reward to be had by paying that amount, I am sure he will pay it. I do not think any department should have its fingers in the pie, telling people who should go in or out of an industry. They skirt around it, saying that it will be by tender, but, as I have explained, there is nothing different with tendering; it just means that money goes into the consolidated revenue, not to the person who has built up the business, or who has built the boat, and so on. I am at a loss to understand why the Government wants to continue with this scheme of non-transferability of those West Coast Prawn Fishery licences. There are only three of them; there are not a lot. It has been shown by SAFIC that there is not a lot of pressure on the industry there; in fact, there appears to be no loss or diminution of the resource at all.

It appears that it is being handled well, that it is being well run and well controlled by those fishermen. There has been a lot of rapport between the South Australian Fishing Industry Council and the South Australian Fisheries Department. When negotiations were taking place between the Fisheries Department and the West Coast prawn fishermen, the fishermen believed that they had full transferability. A letter from Mr Jeffriess, the Executive Officer of the South Australian Fishing Industry Council who represented those West Coast fishermen, stated that SAFIC's original point (namely, that they would be given full licences) was based on the precedent that the letter to the fishermen of 10

September 1986 offering full fishery licence status could only be construed as including full transferability, because that is what it means in every other licence in the State. He went on to further state that, to get into the West Coast prawn fishery industry, two of the fishermen surrendered other transferable licences in the expectation of getting a transferable prawn licence.

They did that with an expectation. Up to 10 years ago they sold A class fishing licences and they sold licences to process fish. They were transferable licences which they surrendered with the intention of having a prawn licence which they believed would be transferable. However, the Minister and his officers in their wisdom have decided that the licences will not be transferable. These gentlemen have been put at a great disadvantage. They feel that they have built up an industry only to see it whittled away by Government regulation and that seems to be a pity. If the Government looked at the matter in a humanitarian way, I do not believe that it would agree that that should occur.

The Minister said to me earlier that it is a good way of controlling the industry. The controls are there; it can control the size of the boat, the number of nets that the boat drags, the area in which the boat fishes, and the number of days when they fish. There is a myriad of ways in which it can control this industry other than by financial bias. There is no doubt that this will have a bearing on the cost of the licence when it expires because, if they are restricted to a tonnage or to the area in which they can fish (which ultimately restricts their total catch), then surely that will be reflected in the goodwill that will be engendered in that licence when somebody wishes to purchase it.

I do not believe that there is a case for non-transferability of licences. I think the case is quite clear that, first, the fishermen thought that they were getting a transferable licence and they believed that as long as 10 years ago. They believe that they should be able to transfer that licence and they took action 10 years ago. Since then, with that in mind, they believe also that they have developed the industry on the West Coast and they believe also that they should be able to transfer that licence for a fee. I strongly urge that this regulation be disallowed.

The Hon. G.L. BRUCE: I understand the argument put forward by the Hon. Mr Dunn, but of course that is not the argument in relation to the regulation that we have before us. This does not concern whether or not the licence is to be transferable but, rather, the regulation relates to whether or not they will have a licence which will be available for periods of 12 months. If this regulation is disallowed, they will not have a licence. It will be up to the Government as to whether it gives them another licence, or whether it gives them transferability or something else in the future.

I was a member of the Joint Committee on Subordinate Legislation and it is very obvious from the resolution that we had before (that it be disallowed and further adjourned) that the committee really had not finished dealing with this matter. I understand the concerns expressed by the Hon. Mr Dunn and some of those concerns have been mentioned to the committee. Of course, we were concerned that we did not have the fishermen as witnesses.

The Hon. Mr Dunn is taking the licence away from these fishermen. If this regulation is disallowed, they will have no licence to fish. I believe that the Hon. Mr Dunn is taking a calculated risk that the Government will immediately negotiate and enter into some sort of compromise situation which will give these fishermen the right to fish on some sort of limited licence, but I do not know whether or not that will happen. I have not been in contact with the Minister of Fisheries and I do not know whether Mr Dunn or the fishermen have contacted him.

The Hon. Peter Dunn: Have you ever tried to ring up Mr Mayes?

The Hon. G.L. BRUCE: I am trying to point out the technicalities of it. When members consider this motion, they will not vote on the transferability of licences but, rather, whether the fishermen have a licence for 12 months. The transferability question can be debated in the future. The Hon. Mr Dunn has moved a motion which will ensure that they do not have a licence. At this stage I do not want to enter into the argument of transferability, but I urge that the regulation be supported.

The Hon. M.J. ELLIOTT: The regulation which we have been asked to disallow changes the licence from a permit to a non-transferable licence. Obviously, the Hon. Mr Dunn suggests that an alternative regulation should have been put into place. During the Gulf St Vincent fisheries debate I expressed the view that I had an open mind on the issue of licences. I might take this opportunity to expand a little further on that.

Things are really not quite as simple as the Hon. Mr Dunn wants to make them appear. I will put the other side. I can see the argument put forward by Mr Dunn, but I will put forward the alternative argument in relation to transferability and it is a fairly simple argument. If you have transferable licences, people will pay far more for them than they will for a licence which they cannot transfer. For instance, if you pay $200 000 for a licence and, at the end of its time you know you will get that $200 000 plus, that money is recoverable at the end, so you really add that sum to what other value you might put on the licence.

It is true that a transferable licence obviously will have a much higher value than a non-transferable licence. How does that create problems? It does not create a problem for those fishermen who now have a permit, because they will get a capital gain. One can argue whether or not they deserve that in terms of the risks that they have taken, but they will receive a massive capital gain. What happens from that stage? We again find ourselves trapped in a perpetual cycle and possibly we have already made a mistake in relation to other fisheries, because the next person who comes along pays a lot more for the licence. It is expensive to get into the fishing business. It is more expensive to get into the fishing business with a transferable licence than with a non-transferable licence, because fishermen have to put more money up front for the licence due to the fact that some of it is recoverable at the end.

With a non-transferable licence, the entry price to go into the fishery is less and one tends to get a better immediate return because one has not borrowed as much and does not pay as much back to the bank. More of the value of every tonne of prawns caught comes to the fisherman instead of to the bank from which he borrowed money. With a higher entry price, the immediate returns tend to be less because more has been borrowed and more must be paid off in interest. The returns do not come until the end. It is exactly as the Hon. Mr Dunn described it in the Gulf St Vincent issue. It is like superannuation for these people.

There are two ways of looking at it. If I were involved in any primary industry I would rather get money in my pocket now than wait until I am 65 to get it. Both fishing and farming are going that way because farmers and fishermen do not get a return on that money and are hanging on trying to survive. Presuming values hold up (which, in agriculture, they have not done) such people get their returns

at the end of their working life. I recall a ludicrous situation of a farmer I knew who ran a very large dairy farm. He retired from dairy farming at about the age of 40 because he was making virtually no money out of it. He retired to one of the most luxurious houses in a very elevated position in Mount Gambier. He made his money by retiring. He was never going to make a living out of the business.

Fishing is the same. If licence values are very high the same situation will be forced on people in the industry. They will not make money until they get out of the business. The greater part of their earnings tend to be at the end of rather than during their working life. In addition, opportunities to become a fisherman are limited to those who already have a licence in the family or to those who have the ability to lay their hands on large sums of money. I could not become a prawn fisherman in a million years because I do not have the financial ability to get into that industry. That is another thing. The industry becomes closed off to families and people who have access to money. People who are willing to be honest in the fishing industry say that many of the licences in some of these highly regulated fisheries are controlled de facto. The money is supplied by just a few families, and they have a number of people holding licences effectively in their name. That is the sort of nonsense that this issue raises. I understand the arguments of the Hon. Mr Dunn but it is worth noting that there is a counterargument. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

CITY OF ADELAIDE (DEVELOPMENT OF PARKLANDS) BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3672.)

The Hon. J.R. CORNWALL (Minister of Health): The Government will not support the Gilfillan legislation to control the Adelaide parklands. I am afraid that its attitude to the member's Bill is that it is ill conceived, inadequate, unworkable, naive and opportunistic, among other things. Having damned it, I should explain. The proposal is unworkable and naive because it would require the Parliament to become the development control authority.

The Gilfillan Bill requires all future developments (apart from developments which return land to parkland use), whether by State or local government or by any other body or instrumentality, to be submitted to Parliament for approval where it can be prevented from being approved by a vote of either House, in much the same way as regulations from the Subordinate Legislation Committee. In other words, the Bill gives the Democrats the authority to decide (provided that the Government and Opposition failed to reach agreement). The Democrats would become the arbiters of planning.

In addition, the Bill turns the Parliament into a development control authority which would have the four vague and nebulous concepts set out in sections 4 *(a)* to *(d)* of the Bill to guide it. The Bill provides for no delegated power, nor for the appointment of staff or the allocation of resources. Let me give some examples. If, for instance, the rotunda in Elder Park was to be rebuilt, both Houses of Parliament would have to agree. Another example: if the lily pond in the Botanic Gardens were to be resited or extended, both Houses or Parliament would have to agree. This is plainly unworkable.

The Bill is opportunistic and ill conceived because it fails to recognise the excellent work regarding the future treatment of the parklands which is currently being undertaken by the Adelaide City Council as part of its review of the City of Adelaide Plan. It is interesting to note that the Democrats did not choose to avail themselves of the opportunity to comment on the plan, or even that section which dealt with the parklands, when it was open for public comment. The proposal under the City of Adelaide Plan is that the parklands—

The Hon. M.J. Elliott: You are wrong. They did comment.

The Hon. J.R.CORNWALL: The Hon. Mr Elliott says that they did comment. It must have been uncharacteristically low key. It must have been one of the few times this year when the Democrats did something that was not drawn to public attention through the media.

The Hon. M.J. Elliott: You are talking nonsense. There was a full submission.

The Hon. J.R. CORNWALL: It received no coverage at all. Did the Democrats keep it a secret? The Hon. Mr Gilfillan canvasses with the media matters that are before a select committee. He has never been inhibited in any other way from going to the media. Why, in this case, was it done so quietly?

The Hon. M.J. Elliott interjecting:

The Hon. J.R. CORNWALL: No. The Democrats go to the media every time anything happens at all.

The Hon. M.J. Elliott: Your assertion was wrong. We did make submissions, so admit it.

The Hon. J.R. CORNWALL: All right, the Democrats did make submissions—I withdraw. But it is the quietest thing they have done all year. The proposal under the City of Adelaide Plan is that the parklands will become subject to planning control in the same way as other developments within the city. The decision making body will be, quite appropriately, the City of Adelaide Planning Commission, an existing joint council and State Government Body.

The City of Adelaide Plan proposes some careful planning and managment of the parklands which will protect their open and informal character, ensure their appropriate uses, promote the phasing out of inappropriate uses and prevent further land being lost. The Adelaide City Council has incorporated into its draft plan two areas which previously did not attract planning scrutiny, namely the parklands and the so-called 'institutional district' of North Terrace (from the railway through to the RAH).

By doing so, they are effectively proposing the parklands be covered by legislation and that the same planning framework and planning process that applies to all other land uses, activities, functions and developments in the city also apply to the parklands. This involves the establishment of principles and objectives and a process for dealing with development applications affecting the parklands.

As the Democrats would be aware, the whole review process on the plan is not yet completed, but eventually the planning controls for the parklands will be incorporated as amendments to the City of Adelaide Development Control Bill, the existing development control legislation for the city. The Government is committed to the legal protection of the parklands through this mechanism.

The Lord Mayor, who has had close and continuing discussions with the Government on the plan, endorses this proposal for the legislative control of the parklands. Neither the Government nor the Lord Mayor supports the Gilfillan proposal. The Government has much more sympathy with the motion transmitted from the House of Assembly regarding the parklands. That motion, which was supported in this place last week, reaffirms the importance that people place on all parklands, including the Adelaide parklands.

More importantly in the context of the current matter it recognises the pre-eminent role that councils have over the care and control of the parklands. This is particularly so with the Adelaide City Council's control over the Adelaide parklands.

It is a point that the Democrats appear to have overlooked. In his second reading contribution the Hon. Mr Gilfillan was quick to say that he was not really criticising the Adelaide city council—it was doing a good job, he said, under difficult circumstances. I think that that is quite insulting to the council. After all, having said that he thinks it is doing a pretty good job, why is he proposing to take out of the hands of the council any responsibility for control of the parklands?

That, in a nutshell, is what the Bill is about. The council can continue to pick up the tab, apparently, for looking after the parklands but it will not have any decision making powers as to what happens to the parklands. That is grossly insulting to the Adelaide city councillors and flies in the fact of what the Adelaide city council and the Government have been doing and will continue to do for the preservation of the parklands.

The Government announced, at the last election, that it would legislate to protect the parklands. This followed two other announcements in 1985 affecting the parklands. The first was in February 1985 when the Premier instituted an inquiry into the erosion of the public use of the parklands which was to identify which alienated land could be returned to public use, how that could be done, when it could be done and how much it would cost. The inquiry was conducted by Mr Ken Tomkinson, Commissioner of the Planning Appeals Tribunal.

The second was really a series of announcements returning alienated parklands to public use. This includes the Hackney bus depot, which will mean that 13.1 acres will be returned and 2.1 acres will be returned by the Postal Institute being removed from the west parklands. Also, once the redevelopment of the Adelaide Gaol environs has been undertaken and prisoners have been transferred from the Adelaide Gaol to the Mobilong medium security prison, to the Remand Centre and to other correctional institutions, another 8 acres will be available for further public use. Further, as a result of the ASER redevelopment and the redeployment of the land which previously was used for railway purposes, another 10 acres will be available for public use.

In addition, members will recall, I am sure, that over the past few years a number of other sites alientated for public use have been returned to general open parkland use. I refer in particular to the former E&WS depot on the corner of North Terrace and Dequetteville Terrace, and, of course, what was for a long time a landmark on West Terrace, namely, the former site of the Bureau of Meteorology, which has now been turned into a small park.

I believe that the decisions that have been made to return land to the parklands and the actual return of that land to public use are very good and strong indicators of the commitment by both the current Government and the Adelaide city council in their efforts to ensure that the original bequest of Colonel William Light of some 920 hectares, or 2 500 acres, will continue to be made available for this and future generations.

In conclusion, the most appropriate way to protect the future of the parklands is through the City of Adelaide Development Control Act and not through some separate legislation, such as the Democrat proposal. Once the review of the City of Adelaide Plan is complete, the Government will legislate. I ask members to join the Government in rejecting the Bill before the Council.

The Hon. I. GILFILLAN: The Minister representing the Government has shown some misunderstanding, I believe, certainly of the intention of the Bill that the Democrats introduced and the amendments on file. I hope that members will recall that in the second reading stage I indicated that the Bill was amenable to amendment and that it was a talking point, which it certainly became. I believe that the amendments on file enhance the Bill in several ways, and in some ways would improve the efficiency of its operation, making it a very attractive legislative measure for the future protection of the parklands.

The amendments were designed to deal comprehensively with what is described as development so that it is not just regarded as the building of sheds or some sort of massive earthworks. In fact, it would include the construction, alteration or demolition of a building or structure, change in the use of land and any activity that changes the character of a part of the parklands but does not include any work or activity that has no significant effect on the character, accessibility or enjoyment of any part of the parklands.

I also intended to expand the definition of the word 'park', because many people have been concerned that the parklands as such do not embrace Crown land, the Government reserves, which are on the parklands area. I remind members that a large part of the original 2 500 acres has been alienated, so the definition of parklands would be expanded to include unalienated Crown land and Government reserves within the city of Adelaide. Quite specifically, there is a very emphatic clause doubly underlining the binding of the Crown and the council. The section that the city council and members who, I believe in ignorance, claim binds the Crown under the City of Adelaide Development Control Amendment Act 1985 provides:

(2) Where a Minister of the Crown, or a prescribed instrumentality or agency of the Crown, proposes to undertake development, it shall, subject to subsection (3), give notice containing prescribed particulars of the proposal to the commission and shall not proceed with the development without having considered the submissions (if any) that the commission makes in relation to the proposal.

(3) Notice of a proposed development is not required under subsection (2) if the development is of a kind excluded from the provisions of this section by regulation.

(4) Except as provided by this section, this Act does not bind a Minister of the Crown or a prescribed instrumentality or agency of the Crown.

This Act does simply binds the Crown to read a report. There is absolutely no obligation on the Crown to comply with anything that is restrictive within this Act or any direction from the commission. So, it is a nonsense to say that the City of Adelaide Development Control Act binds the Crown—it does not!

A further amendment that I believe would substantially cut down on the work and maybe the vexacious small detail of the Bill is that, where development has been approved under the City of Adelaide Development Control Act that would not be subject to any scrutiny by the Parliament unless a member during a period of time after this development had been announced (one month) has given notice of a motion for consideration of the development by Parliament. That notice would be put into the *Gazette*. The notice would be that the member of Parliament intends within five sitting days to give notice of motion for the consideration of the development by Parliament.

The effect of that would be that most of the less significant and perhaps approved amenable developments put forward by the city council would not take up the time of

this Council and would proceed quite happily along their way. However, it does leave the opportunity for the public, through alerting a member of Parliament, or the Government, the Opposition or the Democrats, if they have serious misgivings about a proposed development to go through the process of ratification, the safeguard, of having a public debate in the paramount forum in the State, namely, our Parliament.

Of course, this Bill intends to ensure that the Government will be obliged to comply with principles and directions even on its own reserves, which are on parkland territory, to be subject to some scrutiny before development can go ahead, so that any development that the Government intends to do—quite outside the City of Adelaide Development Control Act, under which there is no obligation on the Government to direct or control—would require passage through Parliament before it went ahead.

I spelt out the advantages of the Bill at some length in the second reading debate. It is obvious that nowhere else will there be spelt out the objectives, the aims of the parklands in a statutory form in legislation. The City of Adelaide Development Control Act does not do that. It provides some plans and some development control written material that are guidelines and in the main a very acceptable analysis of what the parklands should be.

We must remember that it is susceptible to change every five years and, as I have already observed in the short time that this Bill has been before the Parliament, the pressure from the Builders, Owners and Managers Association (BOMA) has pushed the city council into revising what was its preferred plan for buildings within the city of Adelaide proper.

Since I have taken closer notice of it I can inform members that the precinct plans, which have been approved by council and which were dated 18 August 1986, have in my opinion been contravened already. The precinct or parkland plan which embraces the Wilderness tennis court area specifically says that there should be no expansion of sporting facilities, yet at the same time that that was an obligation, direction and control on the council, there has been a considerable expansion of the area of tennis courts prepared, laid down and fenced in that parkland area.

There is then the question of the Aquatic Centre where, for that parkland, there is the statement here that further expansion of the Aquatic Centre beyond its existing boundaries should be prohibited. I was advised by a journalist from *Messenger* Press that the Adelaide City Council is preparing plans to extend the Aquatic Centre. I realise that the management and those in charge of the Aquatic Centre have proposed that the complex be expanded partly as a result of public discontent with access and the fact that there is restricted scope for people to use the facilities. Whatever the reason, the fact remains that these so-called controls with which the city of Adelaide allegedly will comply have virtually been contravened before they get under way.

The Botanic car park is another case where it is obvious that, if we are to leave it to the powers currently operating, surreptitious developments for whatever reason will appear and the public and the Parliament will have virtually no say. I remember the debate over the location of the tropical conservatory which was to be smack in the middle of Botanic Park. It was only through the agitation of certain citizens—and I took an active part—that that was revised. Good reasons exist why we need to have authentic State legislation dealing with the parklands. They are of world heritage value and deserve to have their own legislation in this State.

The criticism of the legislation on the grounds that there are other measures and ways in which the same result can be achieved depends too much on what may be regarded as faith that the Adelaide City Council is to be trusted indefinitely. If anyone is to be insulted it is State Parliament that it should not be entrusted with the final say on what should happen to our parklands. There has been almost a deliberate avoidance of looking at the reality of the consequences of the Democrat Bill. It would not require any additional bureaucracy. No additional workload will be placed on the Parliament or the Government—it really is ratification. It is a simple procedure. Many thousands of South Australians are so concerned about their parklands that they will be incensed that State Parliament has reneged on this opportunity to take up the ultimate reponsibility for the parklands. If the parklands are not the ultimate responsibility of Parliament, I do not know what is.

The parklands are not the property of the City of Adelaide. They are, as all speakers have stated and as a motion passed in this Chamber affirmed, held in inestimable value by members of this place and by so many thousands of residents. It is extraordinary and inexcusable that we do not enshrine them in their own legislation in this State, define their purpose and character and protect them with legislation to bind all entities including the State Government and the council, sporting bodies and anyone who is likely to have any reason to be involved in the development of the parklands in a tightly controlled way, which can be not only controlled but debated and vetted in a public forum.

I commend the Bill to the Council and urge members to support it so that we can move into the Committee stage where the improving amendments that have come as a result of discussion with many people can be put and incorporated into the Bill.

The Council divided on the second reading:

Ayes (2)—The Hons. M.J. Elliott and I. Gilfillan (teller).

Noes (18)—The Hons. G.L. Bruce, J.C. Burdett, M.B. Cameron, J.R. Cornwall (teller), T. Crothers, L.H. Davis, Peter Dunn, M.S. Feleppa, K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, Carolyn Pickles, R.J. Ritson, T.G. Roberts, G. Weatherill, and Barbara Wiese.

Majority of 16 for the Noes.

Second reading thus negatived.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1987)

In Committee.

(Continued from 1 April. Page 3674.)

Clause 2—'Insertion of new section 29a'.

The Hon. I. GILFILLAN: I will speak to clause 2 and make an observation in general terms about possible amendments. I do not have an amendment on file, but I was keen that the Committee stage should enable members to move amendments in relation to the area involved in a poll—a plebiscite. I would like to put it on record that I believe that the Hon. Murray Hill had clearly indicated his preference for the Bill as it is before the Chamber to the earlier proposal, and I was expecting that, if the Liberals have a preferred option, an amendment would be moved. I am speaking to it so that I can make sure there is an opportunity for the Liberals to move an amendment if they so wish and to make it quite plain that I understood that, upon deliberation, the Hon. Murray Hill indicated that the Bill as it is before us is a preferred position because it would allow amalgamations to go ahead, or at least a higher per-

centage of them, and the original proposal of just a single council area would virtually condemn any contended amalgamations to defeat before they even got a proper consideration.

The Hon. C.M. HILL: I do not propose to move any amendment. I indicated at the second reading stage that I and my colleagues support this Bill of the Hon. Mr Gilfillan, and that is what we intend to do.

Clause passed.

Title passed.

Bill read a third time.

The Council divided on the question 'that the Bill do now pass':

Ayes (11)—The Hons J.C. Burdett, M.B. Cameron, Peter Dunn, M.J. Elliott, I. Gilfillan (teller), K.T. Griffin, C.M. Hill, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.S. Feleppa, Carolyn Pickles, T.G. Roberts, G. Weatherill, and Barbara Wiese (teller).

Pair—Aye—The Hon. L.H. Davis. No—The Hon. C.J. Sumner.

Majority of 3 for the Ayes.

Bill thus passed.

FREEDOM OF INFORMATION BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3677.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill has now been before the Council for some time, I think since last August. I had hoped that in that time the Government and the Attorney-General, who was the original promoter of this idea would have finally come round to accept that freedom of information is a basic part of a democratic system of government. However, it appears that the Attorney-General believes that freedom of information is a great idea, that he fully supports it, but that he is not going to fund it. That is the weakest excuse that one can ever come up with in relation to democratic process. The Minister sent my Bill away to the Sir Humphreys of the Public Service system—to borrow a phrase from elsewhere—to endeavour to find out how much this proposal will cost us. Well, of course, the Sir Humphreys of the Public Service system would put the highest possible price on it.

The Hon. R.J. Ritson: Prohibitive.

The Hon. M.B. CAMERON: Yes.

The Hon. T.G. Roberts interjecting:

The Hon. M.B. CAMERON: Are you saying that you are against freedom of information?

The Hon. T.G. Roberts: No, I am saying that it has been rorted in other States.

The Hon. M.B. CAMERON: Well, isn't that interesting: people actually taking advantage of a system that allows freedom to the information that may be required. I do not think that that is an appropriate argument at all, and in fact my Bill carefully covers that, to ensure that mass requests cannot be made. That was dealt with in a specific clause in my Bill. So, the honourable member will have to find a better argument than that to justify any opposition that he has to the democratic right of the citizens of this State, even members of this Parliament, to have access to information. I have considered the position in other States, and I recognise that in some cases people have tried to obtain information by the truck load. However, I have carefully included a relevant provision in the Bill to stop that.

What has occurred is that the Public Service has snowed the Government—and the Government has been quite willing to be snowed by people in the Public Service. If the Government really wanted the system brought in, the last thing it would do would be to send out the Bill to the Public Service and ask how much it was going to cost. The last people who want freedom of information are the Sir Humphreys of the Public Service, because it is then that they are exposed, along with everyone else, and probably more than anyone else, for what they are doing.

The Hon. G.L. Bruce: What are they doing?

The Hon. M.B. CAMERON: They are making certain that the Minister is fed the information that is necessary to answer the arguments of the public, but not too much to offset their point of view. They justify their point of view with information that is provided to this Parliament and to other people. Anybody who does not think they ought to know a little bit more about how it all operates. I know because, fortunately, I have a few brave souls who send me envelopes which contain material and, when one receives those, it is very interesting to discover that the Minister has perhaps been provided with information which does not necessarily tell the whole story. That is what we want to get at. We want to ensure that the public, Parliament and everybody else can find out exactly what sort of information has been used in relation to the various matters about which we are informed. That is an essential part of democracy.

The Bill was the subject of a *Sunday Mail* article some time ago and I think that the heading hit the nail right on the head when it stated, 'The long wait for freedom.' It has certainly been a long wait. The issue of freedom of information has been around for a long time in South Australia. Let me go through its background. Nearly nine years ago a working party was established to investigate the feasibility of introducing FOI. That working party produced a discussion paper in 1979. At that stage, the Labor Party, then in Opposition, accused the Liberal Government of not coming up with the goods, but now the tide has turned. In 1983 a working party again investigated FOI and that was at the instigation of the present Attorney-General. A report was released and I will remind the Attorney-General of what he said at that time, when he stated:

> Our proposal proves the Bannon Government is serious about freedom of information.

If it was serious, it is a very funny way of showing it by opposing the Bill when it comes into the Council. I wonder how the Attorney-General feels about that comment now. I would imagine that he is embarrassed. I trust that in fact he argued in favour of FOI before he was rolled by his colleagues in Cabinet. I hope that is the case, because I have some respect for his integrity. However, I will not dwell too much on the hypocrisy of the Government or whether or not the Attorney-General supported the Bill. The fact is that he now opposes it and that is obvious to the Opposition and to the public.

This Bill follows almost exactly the recommendations of the 1983 report. I made a point of that. I took the report and said to the draftsmen, 'Just draw up a Bill which exactly follows this report'—the Government's own report. I checked it carefully and that is exactly what they came up with and yet the Attorney-General, whose report that was and which he supported, now opposes this Bill, citing excuses such as that the Bill is untimely, given the current Federal and Victorian Governments' reviews of their FOI legislation—the cost factor. That is absolute rubbish and, if the Attorney-

General believes that that is reasonable justification for opposition, then he has another thing coming.

In place of it, the Attorney-General offered a very pale shadow of a full and proper FOI Bill. What he offered does not allow for the South Australian public to have access to Government. He has completely missed the point, and quite deliberately so. In fact, in the report on FOI, that idea was canvassed by the committee of inquiry and it was totally rejected, because the report implied (and I do not remember the exact words) that, if there is no legislation, there will not be full freedom of information. There will not be proper access, because there will always be the tendency to restrict access. This Government does not want and is not committed to FOI, but it has been caught with its pants down and it has had to look quickly for excuses.

The Hon. G.L. Bruce: That's not very parliamentary.

The Hon. M.B. CAMERON: That is exactly what happened. They were caught with their legislative pants down—does that make the honourable member feel better—hypothetically speaking. Clearly, allowing access to personal information is not what FOI is all about and the Attorney-General knows that only too well, because his committee of investigation carefully canvassed that point. I do not believe that the cost factor is the real problem. According to the Sir Humphreys who were allocated the task of doing the costings relating to this Bill—

The Hon. G.L. Bruce interjecting:

The Hon. M.B. CAMERON: That is what they were. I am only using an expression which was used in a letter from Alan Bundy, the national Vice-President of the Australian Library and Information Association who wrote a letter along those lines: congratulations, Sir Humphrey, you are alive, well and kicking in the South Australian Public Service. I believe him. According to the Sir Humphreys, or whoever else might have done the costings (and I am sure that they gave very clear instructions to put plenty on this, because otherwise they might have ended up with it), it would cost $1.8 million in South Australia. They got this figure in different ways for each department. The total cost of the system in Victoria, which has double our population, was $4 million and my Bill is not nearly as broad as the Bill in Victoria—in fact, I imagine that it would be about half—so, if my legislation cost more than $1 million, I would be surprised indeed. In fact, the original estimate put forward by the Attorney-General's committee was $500 000. That is not my figure; that is the figure from the Attorney-General's own committee. Allowing for inflation from that time, it would be no more than $700 000.

I do not believe the figures that have been presented but, even if that were the case, there are plenty of instances when I have seen this Government spend money amounting to more than that in relation to matters that are of far less importance to the public of South Australia. If members want an example, I again refer to the yacht. If anybody believes that a yacht going to Perth is more important than having freedom of information for South Australia, perhaps they had better re-examine their priorities. There are plenty of other areas that consume far more money.

A letter has been read to this Parliament from Mr Alan Bundy, the national Vice-President of the Australian Library and Information Association. I think that it should be read again, and it states:

FREEDOM OF INFORMATION THREATENED

Rejoice, Sir Humphrey Appleby. Your gulling spirit flourishes in South Australia.

Attorney-General, Chris Sumner, has confirmed to us in a recent discussion that the State Government remains committed to Freedom of Information (FOI) legislation to permit public access to the records of State Government departments and instrumentalities. But there is a difficulty in supporting the private member's Bill for FOI now before State Parliament. No, there is nothing intrinsically wrong with the Bill itself. Unfortunately, it will, from figures provided by departmental heads, cost just too much to implement at present.

Financial prudence by the State Government we respect. Ambit costs from its departmental mandarins we do not. High costs for retrieving information quoted by some—not all—departments reflect an insensitivity to the need for FOI in our increasingly complex society. Or they reflect very inefficient information retrieval systems. It is one or the other.

FOI has three tangible benefits. Fostering accountability to the taxpayer; reducing the 'fell off the back of a truck' nonsense which is a part characteristic of the informal FOI already in place; and forcing Government departments and instrumentalities to organise themselves properly for the information age.

If the Government cannot convince its departmental heads to rethink their FOI costings an independent external audit is required. The Australian Library and Information Association, for one, would be happy to assist in an audit because we consider that with some cost charges to minimise the undeniable abuses that have occurred with FOI overseas and in Australia this comprehensive legislation would cost the taxpayer little. It would probably, in fact, cost no more than proposed changes to Administrative Regulations to permit South Australians access to their own files only.

And whatever it does cost will be a pittance set against other accepted costs of sustaining a free and open society—a small price for a big principle. If this important Private Members Bill is not supported on its merits by all parties in State Parliament it is likely to be the end of proper Freedom of Information for South Australians for the next decade.

Is anyone else concerned to ensure that this does not happen?

Mr Bundy highlighted some very important issues, but the most important is the information retrieval system on which these costings were based. It is clearly indicated in the report of the Attorney-General that it is believed that once FOI is in place the very need to have a retrieval system will, in the end, assist departments in their own retrieval of information. In other words, there will be a cost saving overall although in the first place there will be a cost. This Bill might well assist some departments which reek with inefficiency in their retrieval systems to get to the point at which they are forced to institute a more efficient retrieval system that will assist them in their work.

The Bill has attracted support from other concerned groups, too. The President of the South Australian Council for Civil Liberties (Mr Don De Bats) has been quoted as saying he cannot understand why the Government opposes this Bill. In an article in the *News* of 12 February this year he said:

I understand the Bill closely follows the report which the Government accepted. I think the public has a right to know how the Government is working and to look at reports and information.

In the same article, the South Australian branch secretary of the Australian Journalists Association (Mr Bill Rust) said that the union supported the enactment of freedom of information legislation. He said:

In our view, it helps journalists seeking disclosure of information in the public interest. Enacting that kind of legislation should only prove to be helpful in bringing to light information which the public should have.

I will quote Alan Bundy again, this time from another article in the *News* of 16 February, as follows:

The present process in South Australia of obtaining Government information is cumbersome and inefficient. People can go to their local MP, but few are willing to go that far, and it takes so long. The Government's argument that permitting free access would cost too much was a red herring, he said. It reflects politicians' fear, which means they have something to hide, or that the system is so inefficient that it is very cost ineffective. He said the cost of free information should be part of the total cost of democracy, just as was the cost of administering Parliament.

It is clear that the public wants freedom of information and it is high time that South Australians had access to it in the interests of democratic government, in the interests of keeping the Government accountable and in the interests of giving the people a chance to assess Government policy

properly. People deserve a legally enforceable right to have access to any document held by the Government or other agencies, except when they are exempt. The argument of costs has been plucked out of the air by the Government in a clear attempt to convince the public that it is really committed to FOI; it says it just cannot afford $1 million or less. However, it can afford yachts, equestrian events and the like. What a farce!

Let us be honest about this. There is no excuse for not implementing this legislation except that the Government does not want it. The Government does not want to be exposed to public scrutiny. It is afraid of what might turn up. It does not believe that the community has a right to know what is going on behind closed doors. If the Attorney-General is so concerned about cost, let us talk about it. Let us talk about how much he needs in terms of retrieval costs because I believe that a lot of people would be prepared to accept a limited method of user pays. The community would not mind paying something if only they had access to the information. If that is the only way that the Government will accept the Bill, let us talk about it, but we should not deny the principle. Let us not deny through this Parliament the right of people to have access to information.

If this legislation is passed, after a lapse of nine years since the first working party was set up, it will be a move in the right direction. It is now three years since the Attorney indicated that the legislation would be introduced within a matter of months and it has still not appeared, so the Government has no real excuse for not agreeing to this proposal. It has agreed to the same principle in the past. Nothing has changed and the cost factor is not an excuse. I would like to know how the Attorney-General can justify the rejection of this Bill, because I do not believe that there is any justification. The public has not been fooled by the feeble excuses that have been put forward by the Government through the Attorney-General. It is high time that the people of this State have access to the information in their democratic government, and it is part of our democratic way of life that we should have such access. Not only the public but members of Parliament—all citizens of this State—should have access. In that way I will not have to wait for things to arrive on the back of a truck before I know what is happening in the health system. Members will be able to go to departments to find out what is going on.

It is ridiculous that I, as shadow Minister of Health in this State, can go to the Commonwealth Department of Health and receive information on what is happening to health from a Commonwealth point of view but as soon as I hit the State boundary with any issue I am not allowed to know what is going on. That is absolutely ridiculous and totally unacceptable. This State, which has shown such a pioneering spirit in the past, although it may follow a little behind, should get on the right wagon and support this legislation. I urge the Government to support the Bill.

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

SELECT COMMITTEE ON ENERGY NEEDS IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. I. Gilfillan:

That the interim report of the select committee be noted.

(Continued from 1 April. Page 3672.)

Motion carried.

SECOND-HAND MOTOR VEHICLES REGULATIONS

Adjourned debate on motion of Hon. K.T. Griffin:

That the general regulations 1985 under the Second-hand Motor Vehicles Act 1983, made on 7 November 1985 and laid on the table of this Council on 11 February 1986, be disallowed.

(Continued from 18 March. Page 3483.)

The Hon. C.J. SUMNER (Attorney-General): On 18 March the Hon. Mr Griffin moved to disallow the general regulations under the Second-hand Motor Vehicles Act 1983. He so moved for the purpose, he said, of airing publicly some concerns about the method of levying contributions to the Second-hand Motor Vehicles Compensation Fund, and for the purpose of seeking careful consideration of those issues by me, as Minister.

The Second-hand Motor Vehicles Act 1983 came into force on 1 January 1986. Under the Act, licensees must trade from premises registered in their name and must contribute to the compensation fund. By regulation 27, and the eighteenth schedule, the contribution to the fund is fixed at $500 per registered trading premises. As the honourable member noted, that is a one-off payment in relation to each registered premises.

The honourable member raised two general issues and also gave one example of a possible problem, about which I will have more to say later. The first general issue was that the contribution, by being levied against registered premises, did not take account of the comparative volume of business of various traders, particularly so far as relatively low volume country dealers were concerned. Also with special reference to country areas, the honourable member suggested that, for essentially social reasons, country dealers would be less likely to breach the Act, less likely to give rise to claims on the compensation fund, and that therefore there should be some concession on the contributions by reference to what might be called a dealer's claims history in relation to the compensation fund.

The honourable member told the Council that he had become aware of what he describes as problems with this part of the regulations only at the commencement of the current parliamentary session in the latter half of last year. By that time, of course, the Act had been in force for some eight months and the vast majority of currently licensed second-hand vehicle dealers had already paid their contributions to the compensation fund at a rate of $500 per registered premises. Be that as it may, I had already, earlier last year, replied to correspondence raising general concerns, including in one case to the member for Goyder.

The idea of having a contribution to the compensation fund based on some index or another of the volume of trade was closely considered by the Government and rejected. As the honourable member noted, the Motor Trade Association itself conceded that the idea was impracticable. It might have had some superficial attraction when considering the position of dealers who had been in business for some time before the new Act and the compensation fund contribution came into force, but it would have been costly and difficult to administer, it would have been open to abuse, and it would have been of no use at all in regard to new licensees who were entering the industry for the first time.

It is, of course, obvious that the $500 contribution is a smaller part of the overheads of, say, a metropolitan dealer operating from one very large set of premises than of a small dealer who may sell only a few vehicles a year. But the matter ought to be kept in perspective. It needs to be remembered that the contribution is designed to be a once

only payment. For that reason, the example given by the honourable member of the annual cost per vehicle to a small dealer selling about 50 used vehicles a year of $10 per vehicle is quite misleading. At that rate, over a period of 10 years the overhead per vehicle generated by the compenstion fund contribution would drop to $1 per vehicle and over a longer period to something entirely negligible. Under the present fee structure for the Act, the annual fee for renewing the licence would overtake the cost to a business of the compensation fund contribution in a little more than five years.

The Government is concerned to distribute these costs as equitably as possible, but it is not persuaded that such marginal inequity as there may be is sufficient to make the fundamentals of the present system inferior to any of the other proposals which were considered and rejected. During the development of these regulations, submissions were received which indicated that some sections of the industry believed the contribution should be set significantly higher than it is.

However, officers of the Department of Public and Consumer Affairs considered that the contribution should be as low as possible, consistent with providing for payments out of the fund which were contemplated by the Act. Those payments are made not only in the event of the collapse of a business but also where the Commercial Tribunal orders repairs under a statutory warranty to be carried out and the dealer fails to comply with the order.

The honourable member in moving his motion also sought to illustrate what he said is the unfairness of the system by the example of a dealership in Mount Gambier which he said had office premises on one side of the road and a display yard without an office on the other side of the road which had been treated as separate premises and charged for at a rate of $500 each. On the face of it, that does seem to be an unusual outcome, but it really is up to applicants to get in touch with the Registrar if there seems to have been an anomalous result in a particular case.

There have been other instances in which unusual street numberings did not immediately disclose the proximity of premises and these matters have been satisfactorily resolved when the applicant has explained the situation. If the honourable member can provide me with details of the case to which he is referring I will have the matter referred to the Commercial Registrar, who can give advice about how to resolve the matter.

The Government does not have a closed mind on the subject of contributions to the Second-hand Motor Vehicles Compensation Fund and the administration of the fund. Submissions have recently been made, for example, suggesting that some sort of rebate ought to be available to persons who leave the industry without ever having been the occasion of a claim against the fund, and that there ought to be some limitation on payments out of the fund in respect of the defaults of unlicensed dealers. These matters are being considered. But the Government does not accept that there is a method of providing for the compensation fund which is fairer, more practicable, and cheaper than the basic outline of the existing system.

Certainly, in the investigation of the matter by the Government and the department it became clear to us that there really was not a more practical solution and that any alternatives involved difficulties in administration and in deciding the amount of the fee. It was just not worth meeting those difficulties, given that the $500 system did at least achieve the objectives of the Act, perhaps with some minor inequity, but overall without any great hardship to second-hand dealers, in particular because they constituted a one-off payment.

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

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 April. Page 3883.)

The Hon. J.R. CORNWALL (Minister of Health): At 1.30 this morning I sought leave to conclude my remarks. I do not believe that I have very much to add. There were one or two other issues raised by the Hon. Mr Lucas that I did not address in that second reading reply, but those matters could be addressed during the Committee stage. The sooner we get into Committee with this Bill the better.

The Council divided on the second reading:

Ayes (8)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles, T.G. Roberts, and G. Weatherill.

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

Pairs—Ayes—The Hons M.S. Feleppa, C.J. Sumner, and Barbara Wiese. Noes—The Hons L.H. Davis, K.T. Griffin, and C.M. Hill.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Objects of this Act.'

The Hon. M.B. CAMERON: The Opposition opposes this clause as it is not necessary. It is certainly the beginning of what we regard as a move towards 'integration' of hospitals and health centres. We all know what that means, namely, that the Minister and the Health Commission will move towards integrating facilities and services. We have been through that argument in relation to the country areas concerning obstetrics.

Despite what the Minister says, there was a move towards rationalisation of obstetrics in the country services. It was not started by me but by the Minister and some of his staff through a very misleading article in the *Advertiser* resulting from misleading information being passed on.

The Hon. R.I. Lucas: Who passed it on?

The Hon. M.B. CAMERON: I would be very interested to know that, but it was the situation. There was certainly a move within the Jamestown and Clare areas to rationalise services. The people were told that that was going to happen. Offers were made to some of the hospitals: 'Don't move against this as you will get more service in your town as a result'. Certain offers were made to them. Fortunately some people of integrity were not taken in. They fought and finally the Minister set up a committee to look at the whole question and out of that has come certain recommendations. Even those recommendations are causing some alarm because some of them appear, to the people who have contacted me from country areas, to be designed to downgrade facilities at some of the hospitals that are perhaps a little too far away.

I do not see anything wrong with the provision in the existing Act. It has achieved everything that the Minister

would need up to date, and frankly, I am very suspicious of any moves that are made to give the Minister or the Health Commission a greater power in the provision of a properly integrated network. I just do not like those words and I believe that they will lead to a potential diminution of services to certain areas in the country.

The Hon. M.J. ELLIOTT: I do not know if it is a coincidence that the Hon. Dr Ritson is not with us at this stage, but last night he commented about the necessity for metropolitan hospitals to be dragged kicking and screaming into the 1990s. I would suggest that probably the sort of thing that the Minister is proposing in this clause is exactly what he had in mind. I just wonder whether the Hon. Dr Ritson is being kept out of the way while these clauses are being considered so that he does not say anything different from his leader.

The Hon. M.B. CAMERON: Let me clarify the situation. The Hon. Dr Ritson is in no way restrained as to what he says. Let me give the honourable member a lesson in this matter—through you, Madam Chair—as he does need some education, and probably it might assist you as well. Let me give him an example. The integration of services that has occurred so far is the integration of emergency services between Flinders and the Royal Adelaide. Why was that done and how has it been done? It was done because Flinders was up to 100 per cent occupancy on some occasions; certainly its average was around 90 per cent. It had a very difficult situation in terms of beds, so it came forward with a proposal to make more beds available. It turned some wards into five day wards. It froze the number of emergency beds that were available. Once that ceiling is reached, emergency patients are automatically transferred to the Royal Adelaide, following some consultation (although I can assure members that the consultation is pretty low key).

That is integration of services. Emergency patients have been integrated from Flinders to Royal Adelaide. I know of one instance, and it is not unusual, when Flinders had 50 empty beds and staff were available to do emergency work, but all the emergency beds were full. So, patients were sent, after being triaged, to the Royal Adelaide. However, the Royal Adelaide was full and staff there had been working for 24 hours, but they automatically had to receive patients. That is integration of patients—the transfer of patients from Flinders to Royal Adelaide. The real reason for that is that in the south there was an embarrassment for the Minister in terms of waiting lists, so he agreed to assist Flinders by agreeing to the transfer of patients. If that is the sort of integration that will occur, I do not support it. It is as simple as that. I just do not support it, and I will be surprised if the Hon. Mr Elliott does. If he wants that, that is fine and he will vote for the clause as it stands.

The Hon. J.R. CORNWALL: I will respond as little as possible tonight to the sort of nonsense that we have just heard from the Hon. Mr Cameron. I would hope that the debate does not deteriorate to the sort of level which it seems the Opposition may intend to engineer. It will get no help from me. With regard to this specific question of the Flinders Medical Centre, everybody knows that Flinders was never completed. It was originally designed as a 700 bed hospital in the late 1970s. The decision was taken not to proceed. During the early days of the Tonkin interregnum, the decision was quite firmly taken to proceed with the MH block, the proposed ophthalmology block.

Not one additional bed has been created through any sort of building project at Flinders since then. All the beds in what is a 500 bed hospital are commissioned. All the theatres have long since been commissioned. There has been some internal rejigging, if you like, so the pain clinic has been given an area in which it can literally operate, and there is an approval to proceed (in fact I think they might now have completed it) with the day surgery area for ophthalmology. No more bed space will be built at Flinders. Daws Road Repatriation Hospital has the newest and best operating theatre complex in the State, and, until the proposed hospital complex at Noarlunga is completed and there is integration and coordination, Flinders Medical Centre will continue to be placed under enormous pressure. I have consistently said for the 4½ years that I have been Minister that Flinders is under enormous pressure.

The Hon. M.B. Cameron: Financial.

The Hon. J.R. CORNWALL: It is not financial at all—it is physical pressure. It just simply does not have enough beds.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: If Mr Cameron would shut up for a moment, he might just learn something. He is great for going off the top of his head. He is a lazy politician. Most of the questions come from the last person he spoke to before he came into the Chamber each day or are recycled newspaper stories.

The simple fact is that at the time of the last budget, when we were looking at how to rationally allocate resources across the metropolitan public hospital system, Flinders was admitting 63 per cent of its patients. Almost two-thirds of in-patients were coming from emergency admissions through the Accident and Emergency Department. Anybody who has a basic knowledge of hospital administration knows that, at that sort of level, it is not possible in the long term to guarantee absolute safety. So, a decision was taken that a number of additional beds would be set aside for elective surgery. As a matter of quite deliberate policy, there would be patient transfers, particularly to the RAH and, to a lesser extent, to the QEH, hospitals that did not have the same levels of bed occupancy.

Bed occupancy at Flinders averages well in excess of 90 per cent, and when one considers that that is taken over the seven days of any week, and includes the weekends when elective surgery is not being done, one can see a hospital being placed under an intolerable burden. We could not continue to allow that level of admissions from the Accident and Emergency Department. A deliberate decision was taken in those circumstances to transfer patients on once they had been triaged at the Flinders Medical Centre. That is the simple truth of the matter.

It caused some ill will at the RAH. It highlighted, I guess, the fact that we still have some way to go before we will get the sort of trans-hospital cooperation which will be essential if we are to make maximum use of the resources that we have across the metropolitan public hospitals. There have been some hiccups. There has been some ill will. There have been some letters exchanged between senior clinicians which would indicate that the cooperation we were seeking initially probably was not forthcoming. That has now settled down quite well.

I believe that the 'transfer on' policy is working quite well, and it most certainly will continue. The simple fact is that, even if Flinders were given an extra $1 million, $5 million or $10 million, it does not have the physical capacity to handle any more patients.

It is operating very effectively, with a bed occupancy level on a seven-day basis in excess of 90 per cent. The decision has been made that it ought to operate on the fact that it is indeed a 500-bed hospital. The way in which it was being operated prior to that, in literally attempting to handle every emergency case that presented at the A and E Department

was such that we could not have indefinitely guaranteed the safety of every patient and so it was important to make the decision that we did on that basis. It was important that we did not try to have them operate at our A and E level as though it were a 700-bed hospital—which was the original intention—but rather to manage it (and may I say very efficiently and very effectively indeed in recent months) as a high quality 500-bed hospital.

The Hon. R.I. LUCAS: I think it was last night that I made some comments in relation to area health boards. In response the Minister indicated that already three district health councils had been established.

The Hon. J.R. Cornwall: No, it is proposed to establish them.

The Hon. R.I. LUCAS: Can the Minister of Health indicate what these district health councils are, where they are in South Australia, and what level of integration and coordination is to be achieved through these proposals?

The Hon. J.R. CORNWALL: As part of the social health program, a number of district health councils will be established in the metropolitan area and around the State. In general terms, there will be one district health council for approximately every 100 000 of population. They will be consumer forums. For far too long we have had a health system where the care has been organised by professionals on the basis that they knew best. No-one has really gone out and bothered to consult with the consumer and say, 'What are your needs?' District health councils already operate in Victoria. We have established a social health office and we have a Director of Social Health. That initiative was promised before the last election, and it was a promise that was met within a few months.

The Director of Social Health, in collaboration with other senior members of the commission, has produced a major discussion paper on social health, and we will be launching that discussion paper within weeks. That paper will be distributed for widespread discussion around the State. As a result of that, we will develop a health advancement policy for formal adoption by the commission and, ultimately, I propose that that will be considered by Cabinet and adopted by Government. Social health takes account of all those factors which go to make up wellness and well-being, and this includes such things as an adequate, timely and relevant education system and public housing policy. It takes into account local community environments and how well they function. It is what is called an intersectoral approach, if the Hon. Mr Lucas will pardon the jargon. It means that good health is the sum total of the physical, emotional, mental and spiritual well-being of individuals and, by implication, families.

The Hon. R.I. Lucas: Will they only be consumers or professionals and consumers?

The Hon. J.R. CORNWALL: Principally they will be consumers. We will pilot three of these in 1987-88. We will be at some pains not to repeat the mistakes of the old community development programs of the 1970s in relation to which in many areas the forums tended to be taken over by the professionals. There will be adequate professional support. We will ensure that people who represent their communities on the district health councils are given adequate support and, to the extent necessary training, so that they are able to develop or refine the skills which they bring to bear on developing health policies in local areas.

Basically, the whole thing will be directed towards the primacy of prevention: primary preventative policies will be the name of the game. That will happen concurrently with the maintenance of the excellence of the hospital system. It will not be in any way to the detriment of the hospital system. It is most important in the late 1980s and towards the year 2000 that we start to change our mind set, as it were, in our approach to the whole question of health care. We are in the business of promoting good health rather than simply reacting with the curative model which, regrettably, has tended to be the model for very many decades. So, it is a very exciting future, and I am sure that the Hon. Mr Lucas and his colleagues not only will be pleased to develop it but one would hope they will have the opportunity to participate in that program.

The Hon. R.I. LUCAS: Can the Minister indicate whether Cabinet has approved the establishment of the district health councils or whether that is a decision to be taken leading into the budget discussions for 1987-88? Secondly, if approved by Cabinet, where will the three pilot areas be for testing this concept? Finally, will these councils be purely advisory councils? If so, to whom will they report, and will they have any power at all to coordinate the delivery of the sorts of services to which the Minister has referred, preventative rather than curative services in the community? Will those councils have any power to direct the coordination of those services at that district level, or are they advisory solely to some other body within the Health Commission or the Minister himself?

The Hon. J.R. CORNWALL: The honourable member has asked many questions, some of which he will have to be patient about. I am not giving any extensive sneak previews tonight. The honourable member, like the rest of South Australia, will be entitled to get excited when we launch the program in a few weeks time. However, there are some things that I can tell him. The funding of the district health councils is on the initiatives list. The social health discussion paper and the social health program has been endorsed by Cabinet—quite some time ago.

As to the functions involved, in very general terms, the district health councils will not have formal executive authority over health service agencies. I want to make that clear. They will not be some sort of executive surrogate health service agencies; they will not have formal authority for budgetary decision making; and they will not have statutory regulatory powers. They will have a monitoring, advisory and advocacy role. They will be literally advocates for local communities. We are determined to ensure that the right people are elected or appointed to district health councils so that they do genuinely represent local communities. It really is about making local communities work again. There is no doubt that in the television age, and for a whole variety of reasons, which I will not bore the Committee with, communities have tended to break down.

District health councils will primarily be about consumer advocacy in tapping into local communities and defining the needs of local communities and then acting as advisers and also adopting that monitoring role. It is my intention also in the medium to long term that they could be expanded to the extent necessary to act in the same sort of role in the development and the monitoring of our social welfare policies. Again, I have some exciting news for members which will be announced within a matter of probably weeks, possibly a couple of months. We will launch a major discussion paper on a five year social health strategy, so there is a five year health strategy coming up, as well as a five year social plan for discussion and development. I think I can say rather confidently that both will be before the end of May.

Once both of those are on the road and out for discussion, we intend to launch a little later the Government's social justice strategy, so those strategies and five year plans will all be on the road within the next two months.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: They will report to the Director of Social Health in the first instance.

The Hon. R.J. RITSON: I ask a question about the Minister's perception in regard to the relationship between preventative and therapeutic medicine. I think, to the extent that preventative medicine can or cannot be made to work, it obviously improves the quality of life of citizens and perhaps the quantity of life, but I submit that it does not reduce by one cent the amount of money that you have to spend on therapeutic health care—it may even increase it.

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

The Hon. R.J. RITSON: Ultimately, it is cheaper for someone to die of their first heart attack than to survive it and to live to an old age. The Minister said, 'Not true.'

The Hon. J.R. Cornwall interjecting:

The Hon. R.J. RITSON: The Minister, by way of interjection, stated quite flatly that my proposition was not true.

The Hon. J.R. Cornwall: You said that the money spent on preventative health produces no benefit.

The Hon. R.J. RITSON: I did not say that. I said that it produces improved quality of life if you can make it work and it may improve longevity, but in my view it does not (and this is what I would like the Minister to comment upon) reduce the amount of money that needs to be spent on therapeutic medicine because, by prolonging life, unless the Minister discovers immortality, ultimately an increasing number of people suffer the degenerative conditions of old age. I put it to the Minister that there are great human values in successful preventative medicine, but it is a self-deception to believe that such a program will enable some sort of corresponding reduction in the long term in the amount spent on therapeutic medicine. I would like to be assured that the funding of these councils will not, in terms of needs, compete for funding against the sick patients who are currently on therapeutic medicine waiting lists: in other words, that is it, and you do not expect a trade-off from it in budgetary terms.

The Hon. J.R. CORNWALL: I think that that is a great example of the sort of conservative thinking in the medical profession with which we will have to contend. The simple fact is that people are living longer, but they are spending a significant part of that increased life span with a substantially reduced quality of life. Chronic morbidity is an increasingly significant problem. While they are living for substantially more years, a relatively large part of that extra life span is spent living with chronic ill health. The whole question of the primacy of prevention is directed not only to improved longevity (and it is doubtful whether there are any major advances to be made in that area in the medium term at least) but also to quality of life. I do not believe that longevity ought to be compulsory. If one listens to some of the apostles of the new community health programs and the new health promotion programs, one would think that they almost want us to make it compulsory by legislation to live to be 80 years old. That is not the name of the game. It is important that people live to the extent possible in a state of good health and preferably robust good health, with a feeling of well-being. The name of the game will really be to improve the quality of life. Basically, we will do that while maintaining the excellence of the hospital system.

If one looks at the redirection of budgets over the past decade or so (and I literally mean a decade under successive Governments, both Federal and State), one sees, at least in this State, clear evidence that we are managing the hospital system better. All of the statistics show that the average length of stay in all hospitals has been significantly reduced. All of the raw indicators at least suggest that patients are being managed better, their average length of stay in hospital is shorter and that is a tendency which clearly will continue.

The Hon. Mr Cameron earlier today made some disparaging remarks (or I think it was last night) about the management of the Queen Victoria Hospital. In 1987 in the United States a hospital with 80 to 90 obstetric beds would be performing something in excess of 4 000 deliveries per year. In the not too distant future we anticipate that the average length of stay for normal deliveries will be three days.

The Hon. R.J. Ritson: Like the Soviet Union—you go out and sweep the streets then.

The Hon. J.R. CORNWALL: No, it is not like the Soviet Union but, rather, like other advanced countries in the world. The average length of stay in many maternity hospitals in the United States is three days and that is good patient management. It is not a question of tipping out the walking wounded.

The Hon. R.J. Ritson: You take me too seriously.

The Hon. J.R. CORNWALL: The Hon. Mr Ritson raises another point: contrary to what we have been led to believe in the past 30 years, having a baby is a very normal process. There is nothing pathological about reproduction and having a baby.

The Hon. R.J. Ritson: I know that.

The Hon. J.R. CORNWALL: Dr Ritson knows that, but I think it is important to remind people that only in very recent times people have believed that there ought to be this compulsory and rather long period of stay in a hospital. That is changing. Obviously it is in everybody's interests to discharge the mother and child back into the family situation with appropriate support. Increasingly we will see an obstetric package where a woman who has her baby without any significant complications will be discharged in a healthy condition with that healthy baby and with the support of a midwife or nurse, or whatever the appropriate support is, back into the home environment. That will be better for everybody and will be more cost effective.

There is no need and no significant demand for more hospital beds, for example, in Adelaide over the course of the next decade. We may well wish to redistribute them. More beds are needed in the south but just as assuredly the number of beds in central Adelaide or in the inner eastern region of Adelaide could be reduced. The system will be better managed by doing that. The savings will be no more than marginal. The days have gone when one could say that a certain amount could be cut off the catering bill or a very large amount could come off the cleaning bill. The days have gone when anybody would seriously suggest that there is any significant fat in the system. However, by the organisation and management of clinical programs on a trans-hospital basis, not only will we get improved services but we will effect some marginal cost savings at least.

When one starts to talk about social health and the primacy of prevention (given that it is very much a whole of government policy which involves a whole range of other departments), in terms of what one needs to find as a percentage of the total health budget to mount a very significant program, it is a relatively small amount. I would expect that, over the course of the next five years, a very significant and successful social health program overall could be mounted within a standstill budget. That is a bit of crystal ball gazing. I will not have these words quoted back to me verbatim by the Hon. Mr Lucas in particular over the course of the next five years as if it were holy scripture or as if I were handing down the 10 commandments on tablets of stone. In general terms we will manage reasonably well through these difficult times for the next quinquennium

if we can be reasonably guaranteed that the recurrent budget (I leave aside the capital budget because some enormous demands will be made on that budget in the next five or 10 years) will be a standstill budget. Through better management and the use of the more sophisticated tools that are now available, including the adaption of DRGs, significant advances can be made in our social health programs without any detriment to the excellence of our public hospital system.

The Hon. R.I. LUCAS: I have three questions for the Minister on this particular provision. First, will the concept of district health councils require legislation and, if so, will that be introduced in the August session? Second, what order of cost is being considered for the 1987-88 budget year for the three pilot programs and the overall concept that the Minister has spoken about? Third, does the concept of area health boards require the amendment in clause 3 that is before the Committee or does the South Australian Health Commission Act already provide the Minister with the power to make provision for area health boards in South Australia?

The Hon. J.R. CORNWALL: Area health boards can be created under the existing legislation with the concurrence of the various units and interested players. With regard to so-called former Government hospitals and health centres, the power to direct would be available, in any case. However, area health boards can certainly be created under the existing legislation. I am not half as hung up about area health boards as is the Hon. Mr Lucas. They do not loom large in my scheme of things. Where there is a natural community of interest and area health boards grow out of better management and more community involvement, I would certainly support them, but there is no master plan, as the Hon. Dr Ritson would have it, and no overall strategy or time frame for the development of AHBs. I will be happy to consider them as they come along. District health councils can be created administratively; there is no legislative requirement. In 1987-88, the overall cost of the creation of three district health councils would be, I am informed, of the order of $180 000 to $200 000 for full year cost.

Clause passed.

Clause 4—'Interpretation.'

The Hon. M.B. CAMERON: I understand that an amendment will be moved further on to remove the third schedule. In view of that amendment, I wonder whether the definition is still needed in the Bill. I am not sure how they fit together. I just wonder whether it would be wise to leave out paragraph *(b)*.

The ACTING CHAIRPERSON (Hon. G.L. Bruce): The honourable member can recommit it later if the occasion arises.

The Hon. M.B. CAMERON: I just wanted to draw it to the attention of members. Does that make any difference?

The Hon. J.R. CORNWALL: No, it will not make the slightest bit of difference. The spirit and intention of clause 4 ought to be clear. First, the expression 'board of management' will be changed to 'board of directors'. This is consistent with the position that I have put forward for more than four years. It has always been my view that the best elements of the private corporate sector ought to be brought into the structure of our hospitals. The role of those boards ought to be similar to or should at least adopt the best elements of the private corporate sector in the notion of boards of directors. They most certainly should not be boards of management. Since I have been Minister, I have said consistently that anybody on a hospital board who thinks that they are in the business of managing the hospital ought to resign forthwith. The Chief Executive Officer manages the hospital with the support of and in partnership with, to a significant extent, the Director of Nursing and with various other professional and executive officers associated with the good conduct of the hospital.

The board is most certainly not there to manage, any more than the board of directors of Advertiser Newspapers, News Limited, BHP or any other major corporate enterprise is there to manage. The board is there to take an overview of the good conduct of the organisation, to select and be involved in the appointment of the Chief Executive Officer, to support the Chief Executive Officer while the Chief Executive Officer is efficiently and effectively performing his or her duties, and to alert the appropriate people at any time if it believes that the Chief Executive Officer is no longer performing his or her role effectively.

The only significant difference, as I see it, between the board of directors of a major public hospital, or any other public hospital, and a private enterprise board of directors is that it does not have the power to fire. In an ideal world, I suppose, it should have the power to hire, to support and to fire. Traditionally, that is what a corporate board of directors does and, to the extent that that is possible within a rather more benign public system, that is the role as I see it of the board of directors of a hospital. I am unanimously supported in this view by my Cabinet colleagues.

With regard to the definitions of 'Government health centre' and 'Government hospital', because I wish all of the health units in this State to be on an equal footing, I have quite deliberately insisted on this amendment. This is very much my amendment; it was inserted during discussions specifically at my request. I do not believe that there should be any significant difference between the so called ex-government hospitals—the Royal Adelaide, Flinders Medical Centre, the Queen Elizabeth Hospital, the Mount Gambier Hospital and the three hospitals in the Iron Triangle—which are subject under the present legislation to far more significant direction by the commission than are the other hospitals, and the Queen Victoria Hospital, the Adelaide Children's Hospital—which have been incorporated, of course, in recent years—or indeed the Barmera Hospital or the Elliston Hospital.

I find it quite incongruous that the Oppostion wants to enshrine differences. Members opposite say that in particular areas, presumably out there in their rural constituencies, hospitals are quite different from those in the provincial cities or in the metropolitan area. I find that a curious notion indeed.

The Hon. R.J. Ritson: But they are different. They are smaller and they have different rates and conditions.

The Hon. J.R. CORNWALL: That is a curious notion indeed. Of course they are different; each hospital is different. No-one suggests that the Queen Victoria Hospital is the same as the Flinders Medical Centre or that the Modbury Hospital is the same as the Port Pirie Hospital. Every hospital is different. But to suggest that we should enshrine differences in legislation, to suggest that we should somehow decide that there is a significant difference between the Mount Gambier Hospital, the Naracoorte Hospital or the proposed Berri regional hospital, is an absolute nonsense. I cannot be convinced by the rhetoric which suggests that somehow we have to enshrine the perceived, and in many cases imagined, differences between the rural communities and those of us who endeavour to function as part of suburban communities.

That is quite deliberate; it has absolutely nothing to do with the unincorporated hospitals under the third schedule. One might make a very loose connection in philosophical, policy or ideological terms but, as far as the Bill is con-

cerned, it makes no difference at all. Whether the third schedule stays in or it goes out, clause 4 will stand on its own.

The Hon. M.B. CAMERON: I wonder whether in this move the Minister is in any way affecting the constitutions that are drafted for those individual country hospitals under incorporation. Obviously, they have a model constitution. Does this move to delete the definition have any effect on that in any way?

The Hon. J.R. CORNWALL: There is no model constitution at present.

The Hon. M.B. Cameron: No, but they have negotiated a constitution.

The Hon. J.R. CORNWALL: They would still negotiate their constitution, as they have always done. In the second reading explanation I referred to the possible development of a model constitution. I was really trying to ensure that there was a range of protections for hospitals. For example, there is an absolute guarantee in the Bill in legislative terms that the Minister of Health of the day could not take unto himself or herself the power to appoint a majority of directors to any one of these boards. That is one guarantee.

The idea that the Minister of Health has time to ponder over 80 boards and how he can specifically stack those boards with personal appointees, whether at Elliston, Millicent or even in the metropolitan area, really is a bit of a nonsense because, frankly, I have neither the time nor the resources to be involved in that. However, that is a safeguard that we are writing in. Basically, the new constitutions would be developed in the same way as they have been developed in negotiation with individual hospitals over the past 10 years.

At the expiry of a certain time, if the Bill as it stands goes through, the hospitals would be required to negotiate a constitution or, alternatively, if they were completely recalcitrant, if they simply refused to cooperate and if the legislation had to be invoked, a constitution would be drawn up which could have regard to community interests, to community needs and, to the extent that it was possible and practical, to the existing constitution.

The Hon. M.J. ELLIOTT: I must differ with the Minister when he says the hospitals are not different. Quite clearly, they are different. The country hospitals, particularly the smaller country hospitals, play a role that is significantly different from the role played by the large metropolitan hospitals. To suggest otherwise would be completely erroneous.

However, I believe that the important point is that, by the deletion of 'Government hospitals' we simply have two categories—incorporated hospitals or non-incorporated hospitals. The way in which those hospitals function is determined in part by constitution and in part by the Health Commission, and it is there that the differences, at least relating to the incorporated hospitals, would be apparent.

I do not see any problems with the way the Bill treats it. Quite clearly Government hospitals are incorporated and the old term 'Government hospital' is simply an anachronism that has been carried over. I cannot see any problems.

Clause passed.

Clause 5—'Constitution of commission.'

The Hon. M.J. ELLIOTT: I move:

Page 2, line 11—Leave out 'not more than'.

The Minister has not put up any arguments at all for a reduction in the size of the commission. In the Minister's proposal not more than five members make up the commission. Clause 8 refers to quorums. If the commission is constituted of two or three members, a quorum is two. With the drafting at the moment we could have a commission of two. That is not a commission. The Minister would have to produce compelling arguments to convince me that the size of the commission should be reduced to two or three. I suggest that it remain at five.

The Hon. M.B. CAMERON: On balance we support this amendment. I am concerned at what I see as a tendency to move power more and more towards a central body. If we restrict that body any more we will end up with less input. I am inclined to the view of the Hon. Mr Elliott that there has been a severe retraction of people on the Health Commission in recent years and any further attraction would certainly be unacceptable.

The Hon. J.R. CORNWALL: It seems that I do not have the numbers in this matter. I will go down punching and kicking, but not necessarily gouging.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—'Meetings of the commission, etc.'

The Hon. M.J. ELLIOTT: I oppose this clause, It is consequential on the clause on which we just voted.

Clause negatived.

Clause 9 passed.

Clause 10—'Commission subject to control of the Minister.'

The Hon. M.B. CAMERON: The Opposition opposes this clause. It really is a bit of a joke because the Minister has always had control of the commission, as anybody knows. We had the argument the other night to leave in the word 'general' to try to keep the Minister in line. The word 'general' was put in quite specifically when the Health Commission Act was first promulgated to give some indication that the commission was not a department but was in fact a commission. In the final analysis the Minister is responsible for problems within the commission.

The Hon. M.J. ELLIOTT: We voted on an identical amendment in a Bill last night. Clearly I am not going to change my mind from one night to the next. I will support the clause.

Clause passed.

Clause 11 passed.

Clause 12—'Delegation.'

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

Page 3—
After line 22—insert 'or'.
Lines 25 and 26—Leave out all words in these lines.

This clause provides a new section 17 which reads:

(1) The Commission may delegate any of its powers or functions—

(a) to a committee appointed by the commission;
(b) to a member, officer or employee of the commission;
(c) to any person holding or acting in an office or position specified in the instrument of delegation;

I have no objection to those provisions. However, paragraph *(d)* provides:

(d) to any other person.

I do object to that. The commission may delegate any of its powers or functions—and that means all of them. Any power of delegation is most important. It is absolutely vital, because any and all of the funcitons of the commission may be exercised by the delegate. It is most important to know to whom those powers may be delegated. I suggest the legislation ought to spell out to whom those very wide-ranging powers—the sweeping powers of the parent Act as it will be amended by this Bill—may be delegated. To go to the extent of saying 'to any other person'. meaning any individual in the community, is going very much too far. We could argue whether the *ejusdem generis* rule applies, but it is not appropriate unless the Minister is to embark on that argument. I suggest that when we are delegating all

or any of the powers or functions of the commission—all the wide and sweeping powers—we ought to spell out in the Bill the persons to whom they may be delegated. It should not be to any one at all. For those reasons I move my amendment.

The Hon. M.J. ELLIOTT: I was waiting for the Minister to defend this clause because it is quite clearly additional to what exists in the principal Act. What problems have arisen to necessitate the inclusion of paragraph *(d)*?

The Hon. J.R. CORNWALL: It is what one might call a pragmatic and flexible clause. It is a bit foolish in an organisation of the size and complexity of the health service in this State not to take this opportunity to give the commission extended powers to delegate, remembering that (except in the strange case that was put forward in an amendment the other night during debate) the power of delegation can be withdrawn if it is considered, based on experience, to be inappropriate. One cannot really expect individuals or small groups near the top of an organisation to be involved in the day to day decision making. It is in the name of good management and in the spirit of good management that all of these amendments are brought into this Chamber. The name of good management is very much delegation, whether you are a Minister, a Chief Executive Officer, a divisional manager or an office manager.

If you do not delegate and, more importantly perhaps, if you do not have the power to delegate, it is very difficult to foster good management as a principle. So, people should not get the impression that I am not anxious to have this clause passed. Indeed, I am. If it does not pass, it is not exactly the sort of thing that would cause me to insist that we ought to go to a conference of managers. However, I am very serious when I say that I do seek additional powers of delegation for senior officers because, I repeat, we need those additional powers to manage better and, in good management, delegation is the name of the game.

The Hon. J.C. BURDETT: I certainly acknowledge the need and support the need for delegation. There is no question about that. It is just that I do not see any reason why the sorts of persons to whom the powers ought to be able to be delegated cannot be listed, particularly having regard to the breadth of what will be the new section 17 (1) *(c)*:

To any person holding or acting in an office or position specified in the instrument of delegation.

That gives a very wide power of delegation indeed and I do fear the unnecessary width of allowing a delegation to any person in the State, either natural or artificial, because that is what it would mean. I do not see why the commission cannot be specific enough and efficient enough to spell out the guidelines, to spell out the offices held and the sorts of persons to whom the power can be delegated.

As the Hon. Mr Elliott has said, paragraph *(d)*, which I am seeking to take out, was not there before. He invited the Minister to enumerate any problems which he had had with the existing power of delegation, but the Minister did not do that. It seems to me that the power in paragraph *(d)* is far too wide, and it is for those reasons again that I ask the Committee to give consideration to my amendment.

Amendments carried; clause as amended passed.

Clause 13 passed.

Clause 14—'Incorporation.'

The Hon. M.J. ELLIOTT: We now reach the parts where the arguments may begin. I bring to this Parliament cynicism and doubt about all sorts of things, but I hope that what I do not bring is paranoia. I am afraid there has been a little example of that and I think some people shut their minds off and did not really apply their minds to what they perceived to be the problems, whether or not they were problems, and (if they were) to the ways to get around them. I quite clearly recognised the problems that existed for country hospitals and I also saw problems which existed for a number of the unincorporated health services. I have had discussions with groups in both categories and I was aware of the problems. Until a few days ago, I was ready to let this lie for some months, but I am now satisfied that the problems were not insurmountable and I believe that with the amendments proposed there will not be any problems at all. I move:

Page 4, line 7—Leave out 'is named in the third schedule or'.

This is the first of my amendments. Quite simply, I am looking to see the third schedule struck out from the Bill; that would remove the threat which was hanging over a number of country hospitals—the threat of compulsory incorporation. The word 'compulsory' puts the wind up almost anybody. I have spoken concerning this third schedule to a number of hospitals which are expecting to incorporate fairly soon and are not deeply upset by it. I have also received letters from other hospitals in that group which are gravely concerned about it, and I have taken those concerns into account in this amendment: the third schedule will not be used as a means of compulsory incorporation. I do not see what problems the Opposition would have with the removal of the third schedule.

The Hon. M.B. CAMERON: It is not a matter of the removal of the third schedule, as the honourable member well knows, because I gave him a copy of our amendments long before he gave me his amendments this evening. He was aware that I intended to delete clause 35, the third schedule. He was fully aware of that, so he should not start indicating that we had problems with it. That is absolute nonsense. That was one of the principal arguments from the beginning. The next argument will be still on clause 14, when the Hon. Mr Elliott moves to put in a new means of incorporation of unincorporated hospitals—

The Hon. R.I. Lucas: Compulsory.

The Hon. M.B. CAMERON: Yes, compulsory, and that takes away the very power that those hospitals now have to incorporate voluntarily. He will take them out of the third schedule and leave the third schedule blank, and give unto himself and the Government combined in this place the power to do this by regulation.

An honourable member: That is a sell-out.

The Hon. M.B. CAMERON: That is a sell-out, exactly. If he is genuine about leaving it to country hospitals to do it their way—and I have no objection to them incorporating in their own way if they want to—fine, but he should not come in here and say, 'I am looking after country hospitals' and then do it through regulation, because that is what he will be doing. He is taking the power from the country hospital board and the country community and giving it to himself. He is developing that power to himself—let us be quite frank about it. He, with the Government, will be in that position, if we move the disallowance of a regulation that is laid before this Chamber to incorporate hospitals. We cannot carry that motion on our own, so he has given himself this power, if he moves this amendment. If he is genuine, when he leaves this place tonight, he will not have moved that next amendment. If he does move it, he will go out of this place selling out the power that the boards have in country hospitals to decide whether or not to incorporate. The Democrats can make up their minds about this. We will wait and see what happens and we will then make our views known in relation to what they intend to do.

The Hon. J.R. CORNWALL: What an amazing outburst. I would have thought that if there was any suggestion that

the Hon. Mr Elliott was wavering in any way, or his colleague the Hon. Mr Gilfillan, then, as men of principle, following that extraordinary series of threats from the Leader of the Opposition in this Council, there would be no doubt as to which way to go. He used words to the effect of 'When you go out of this Council tonight, we threaten you, Mr Elliott.' The Leader of the Opposition did not even have the decency to address his remarks through the Chair. He said, 'We threaten you.' I find that amazing. matters of considerable moment come before this Parliament from time to time, but let us see it in perspective: we are provincial politicians in a State Upper House, and it is not by any means the most popular State in Australia, and it certainly is not California, for example. So, we ought to see ourselves in the proper perspective. We are operating at about the same level—or perhaps just a little higher in the pecking order—as the Port Adelaide, Unley, or Tea Tree Gully councils. Let us not have delusions of grandeur about it all; but, by the same token, let us not see it as the end of civilisation if some of these country hospitals, which are 100 per cent funded for their recurrent budgets by the South Australian taxpayer, at the expiry of 10 years are asked to join the family.

The Hon. M.B. Cameron: They could have done it all along.

The Hon. J.R. CORNWALL: Indeed, they could have, if they had not been misled by the troglodytes of the Opposition. Of course they could have done it all along, and most of them—the overwhelming majority—having watched their comrades and colleagues in adjoining towns and adjoining communities incorporate over the years, are now convinced that it does not hurt a bit.

The Hon. M.B. Cameron: Yet!

The Hon. J.R. CORNWALL: The Hon. Mr Cameron says 'Yet'. He is still trying to push the great lie of our time that somehow or other it is part of a centralist socialist plot. That is what they are really saying; they have not changed a bit since Martin Cameron's good friend and colleague from the South-East, the then Leader of the Opposition in this place (Ren DeGaris) led the same debate, and the words and music have not changed a bit. It is the same old tune that Ren DeGaris was playing in this place in 1976. Talk about forgetting nothing and learning nothing! The Borgias have nothing on you lot—you really are all for the *status quo ante.*

The Hon. M.B. Cameron: You have lost a lot since you left the South-East; you have gone bankrupt.

The Hon. J.R. CORNWALL: I have plenty up top.

The Hon. M.B. Cameron: Why don't you show it then?

The Hon. J.R. CORNWALL: I do not think that I have lost too much since I left the South-East at all: I have prospered at least in the spiritual, if not the financial, sense, and for that I am very grateful. Life has been kind to me, by and large. But we really are going over old ground and, frankly, I do not see any point in it. Since 1975 the hospitals have been 100 per cent funded for their recurrent budget by the South Australian taxpayers. It is an absolute myth and certainly a bad dose of that disease called the *status quo ante* to pretend that these hospitals are any longer completely independent community hospitals. One can argue all day whether that is a good thing or a bad thing. For myself, I think that to have an integrated and coordinated State-wide system, with each individual unit, each individual hospital, having a sustantial degree of independence within that coherent framework is a very good scheme indeed—undoubtedly the best in Australia, which is why we are the only State that has persevered with the commission. Our commission, unlike the situation in Victoria, and New South Wales in particular, is working well and will work even better with the amendments proposed in this significant series of amendments in the Bill.

But let us not pretend that it is 1965, although there might be a hankering for it; let us not pretend that wool is £1 a pound. It is not 1951, when a lot of these hospitals were built. Let us not pretend that the hospitals conduct their own profit and loss accounts any more. They do not do that; they collect money for their private patients and they pay it into the consolidated revenue. Putting a good face on it, it is a myth of the worst order; and putting the real face on it, it is a lie of enormous proportions to pretend that somehow or other two factors remain, namely, that our country hospitals are being conducted in 1987 as they were in 1957 or that incorporation in any way alienates the assets of the local community. The Hon. Mr Burdett knows that. At least the Hon. Mr Burdett, who knows his law, realises what the legal status of hospitals is after incorporation. He knows very well, based on experience, that they join the health family and that there is no expropriation of assets at all, that there is no detrimental effect on the good conduct of hospitals and that they retain their local boards.

The staff are employees of the hospitals, but in terms of portability of superannuation and of being able to stay within the system, but still move between hospitals, of course, enormous advantages are involved. I would simply have to say that it is 1987 and that members opposite should stop this nonsense, this grandstanding for a tiny rural rump. It is no wonder that members opposite will have been in government for only three years (and that was almost by default) in a generation, since the one vote one value system was introduced in this State. That is because they keep going back to their natural constituency, and it is a very narrow, ultra-conservative rural rump. Now we see it tonight, Ms President, in all its stark reality: but you will notice that I am smiling, because it is delightful to see them continue to contract to their natural constituency; it is interesting to see them going back into the caves whence they came.

The Hon. R.I. LUCAS: Let us forget the Minister for just a moment, but suffice to say about the Minister that if he is inviting unincorporated hospitals into his family, I doubt very much whether too many unincorporated hospitals would want the Minister as their father! I want to address myself to comments on the position taken by the Hon. Mr Elliott and the Australian Democrats.

I find it absolutely incredible that the Australian Democrats and the Hon. Mr Elliott in particular could have the effrontery to come to the Committee stage of this Bill and argue that they have taken heed of the arguments and fears of the unincorporated hospitals about the powers of compulsory incorporation that the Minister and the Government wanted in the Bill. As he sat down rather meekly, I might add, for those few *Hansard* readers, towards the end of his feeble contribution, he said, 'I really can't imagine what was wrong with the particular amendments that I have and I have really covered the particular problems that the Opposition had in relation to this matter,' What hypocrisy! What a sellout of country interests by the Australian Democrats led by the Hon. Mr Elliott in this matter.

The Hon. Mr Elliott, who has paraded around the countryside for the past 12 months on a range of issues indicating that he understood country people, that he had come from Mount Gambier and had lived in the Riverland and in Whyalla and that he knew the West Coast and had worked hard through the country areas of South Australia and therefore knew the interests of country people—

The Hon. M.J. Elliott: I am glad you noticed.

The Hon. R.I. LUCAS: If this is an indication of what the Australian Democrats are going to do for country interests, for country people and for country health services in South Australia, it is a very sad day for the country people of South Australia .

The Minister mentioned the rural rump. There is nothing wrong with Liberal members standing up in this Chamber and defending the interests of country people in South Australia, because I am sure that they will not receive any defence from the Government or from the likes of the Hon. Mr Elliott and the Australian Democrats when the real crunch points come up. They can throw up tokenism in relation to select committees on petrol prices, because they know that nothing will happen. They can parade around the country and say to the press, 'We will try to do something', because they know that they cannot do anything and nothing can happen. When the crunch comes and the Bill arrives at the Committee stage, and when the delivery of services to country people is at stake, what happens? They hop into bed with the Government; they hop into bed with the Minister of Health. What a terrible prospect that would be.

Here comes the other member of the Australian Democrats, supposedly representing country interests. The Hon. Mr Gilfillan says that he comes from Kangaroo Island and that he also represents country interests. It might be the Hon. Mr Gilfillan who will stand before the people at the next election. He will reap the rewards in relation to the attitude of the Hon. Mr Elliott on this matter, and perhaps the Hon. Mr Elliott is looking for a position of leadershisp of this small force within Parliament, this anachronism called the Australian Democrats. We talk about social Democrats or democratic socialists and we know where we get that term from. We have the socialists there and the Democrats over there. If we put the two together, we have an absolute mess. I had hoped that a person like you, Mr Acting Chair, would have been able to make some sort of contribution to this debate. A person like you, Mr Acting Chair, with your years steeped in country areas of South Australia, if this Bill is passed, will be asked by the representatives of your local area, the Millicent and the lower South-East areas of South Australia, whether you stood up for the interests of country people in South Australia. You, Mr Acting Chair and the Hon. Mr Elliott, will have to face the country people of South Australia in relation to your attitudes on this Bill. As I said, the contribution from the Hon. Mr Elliott was pretty feeble, but he indicated that he had had some indication of support from country areas and then he added, very meekly, that he had had some opposition as well.

I have taken the trouble of reading the rather large file of letters that the Hon. Mr Cameron has had in relation to the attitudes of unincorporated hospitals in South Australia. Obviously, I will not take the time of the Chamber to read all of them, but I will read two paragraphs from one hospital in the northern area to indicate the flavour of the attitude and the perceptions of people in these areas to what they saw as the attack by the Minister of Health, but which they will now know, if this Bill is passed with the amendment proposed by the Hon. Mr Elliott, was entirely supported by the Australian Democrats in this Chamber.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: No, this is from the Secretary Manager. It cannot be my brother-in-law—he is a doctor. Even you should be able to tell the difference between a Secretary Manager and a doctor. The letter states:

> Finally, we wish to reiterate our strongest objection to the Health Minister obtaining such overall power. Incorporation of some smaller hospitals will jeopardise their existence, as the South Australia Health Commission has already earmarked at least four of those hospitals to close in the foreseeable future. The compulsory acquisition of these hospitals will deliver the final blow, and then who knows which hospital will be next to go. My board are not prepared to allow this to happen to our hospital, which has managed to provide an efficient service to the community for more than 15 years, without incorporation.
>
> We strongly urge you to consider our plea for your support, to enable this socialist Bill for compulsory acquisition of all health units to be defeated.

That is signed by the Secretary Manager of the hospital in the northern area.

The Hon. J.R. Cornwall: That's Riverton speaking if ever I hear it.

The Hon. R.I. LUCAS: It is not Riverton speaking. It quite clearly indicates that you are not aware of the sorts of representations that are being made in relation to this Bill. You show your ignorance as you do on many other matters. Let us not spend hours highlighting the ignorance of the Minister of Health in relation not only to the Health Commission, but also to other matters in his administration.

The Hon. J.R. Cornwall: Don't be nasty and personal.

The Hon. R.I. LUCAS: I never get nasty and personal, John, never with you.

The Hon. J.R. Cornwall interjecting:

The Hon. R.I. LUCAS: Don't worry, it's all right.

The Hon. J.R. Cornwall: Practice, sonny.

The Hon. R.I. LUCAS: A glass of water, pop another pill—blood pressure.

The Hon. J.R. Cornwall: When you're my age, sonny, you'll be almost ready for the big time.

The Hon. R.I. LUCAS: I thank you, Mr Acting Chair, for your protection from the persistent and inane interjections from the Minister of Health in relation to my short contribution to the Committee stage of this Bill. We need to make it known to country people of South Australia what the Democrats are trying to do in relation to this Bill. There is virtually no difference between what the Minister of Health set out to do in the Bill and what the Australian Democrats are now trying to do.

The Hon. J.R. CORNWALL: I rise on a point of order. If the Hon. Mr Lucas persists in referring to my popping pills. I want it on the record that, on medical advice from my cardiologist, I take Nifedipine three times a day. It is a mild therapy for hypertension. I take the strongest possible exception to the persistent inference from the Hon. Mr Lucas—the despicable Mr Lucas—that somehow or other I am here popping pills, as he calls it, as though I were some sort of drug abuser. He is a despicable thing and a contemptible thing, as I said the other night.

The Hon. R.I. LUCAS: Thank you, Mr Acting Chair, for your silence on the matter.

The ACTING CHAIRPERSON (Hon. T.G. Roberts): I ask the honourable member to refrain from personalising the debate.

The Hon. R.I. LUCAS: The Minister called me a despicable thing. In that point of order, which was not a point of order, the Minister indicated the correctness of my remarks. We in the Opposition are only concerned about his health. It is not a matter of attacking the Minister; it is a matter of being concerned about his health. When we see his hypertension and blood pressure rising we are concerned that we might lose him on the floor of the Chamber.

Before the Minister rose on a point of order, the point that I was making was that there is no difference between what the Minister of Health seeks to do in clause 14 and what the Australian Democrats seek to do with their Clayton's amendment. There is no distinction at all. The ultimate result of both amendments will be the compulsory

incorporation of the unincorporated hospitals in South Australia. The Minister of Health would have the 30 of them incorporated in one great gulp; it would be all over and done with tonight. The amendment of the Australian Democrats also provides for compulsory incorporation. The only difference is the route one goes through to achieve compulsory incorporation. Instead of one gulp tonight, the Australian Democrats want the Committee to accept compulsory incorporation in a number of smaller gulps along the path. The Government, wanting to incorporate the 30 hospitals, will introduce regulations for their incorporation.

The Opposition, through the Hon. Mr Burdett and the Hon. Mr Cameron, says that, if unincorporated hospitals wish to incorporate, it will support them completely. Opposition members do not necessarily argue against incorporation, but seek the right and freedom of local communities and the country people in South Australia to choose to incorporate. If the Minister of Health can make a persuasive case for incorporation I am sure that local communities will take up incorporation and go down the path that the Minister of Health wants them to. In the amendment of the Hon. Mr Elliott we have Government support for compulsory incorporation. As the Hon. Mr Cameron indicated, the Australian Democrats will become—

The Hon. M.B. Cameron: The arbiters.

The Hon. R.I. LUCAS: They will become the arbiters. If the local communities oppose incorporation, the Opposition will represent the country and local interests and their freedom to choose, so the Hon. Mr Elliott and the Hon. Mr Gilfillan, if we still have him after the next election, will sit there—

The Hon. M.J. Elliott: There will be extras.

The Hon. R.I. LUCAS: There is no way that there will be extras. The Australian Democrats are a passing pimple on the face of South Australian politics and they will soon be lost. If Mr Elliott's amendment is successful, the Australian Democrats—the Hon. Mr Elliott and the Hon. Mr Gilfillan—will decide on the compulsory incorporation of country hospitals. If the proposal of the Minister of Health were followed, the Democrats would have to decide in one go whether the 30 hospitals should be incorporated, most of them against their wishes. The only distinction is that under Mr Elliott's amendment somewhere down the track when the regulation is introduced the Hon. Mr Elliott will decide whether they be incorporated. There is no difference at all. It is compulsory incorporation, against the interests of local communities and country people, which will be decided by this unhappy coalition of the Labor Government and the Democrats.

The Hon. J.C. Burdett: Both socialists.

The Hon. R.I. LUCAS: In this particular matter there is no doubt about that. I hope that I have made the point clear to the Committee. I do not want to labour it. However, there is no distinction at all between what the Hon. Mr Elliott is trying to do and what the Minister of Health is trying to do on the question of compulsory incorporation of unincorporated hospitals in country areas. I am sure that the Hon. Mr Cameron and other country members of the Liberal Party will make sure that the Hon. Mr Elliott and the Hon. Mr Gilfillan will not be able to portray this particular sell-out of country interests as a differing option from what the Minister of Health proposes.

Let them try through the country press and other country media of South Australia to sell that message; they will be laughed out of the country communities of South Australia. Let there be no doubt, as the Hon. Mr Cameron indicated, that a very strong view will be put forward by the Liberal Party throughout the whole of South Australia and particularly in the country areas that the Australian Democrats have sold out country interests and have hopped into bed with the Government on this issue. I strongly support the attitude of the Hon. Mr Cameron on this particular clause and oppose the amendments that will be moved by the Hon. Mr Elliott.

The Hon. R.J. RITSON: My comments relate to clause 14 generally, rather than to the amendments, and I want to ask a question of the Minister before the amendments are put and dealt with because once that occurs that is the end of debate on this clause. I note that the Minister proposes to introduce an amendment to clause 14 to change the word 'substantial' to 'majority'. That allays part of the set of fears expressed to me by constituents. It was feared that the word 'substantial' might mean any small amount of any substance. The question of what is public funding is of anxiety to some of my constituents. If by public funding the Minister means State Government payments to hospitals, that anxiety would disappear. However, if as a matter of legal interpretation public funding includes Commonwealth moneys paid to a body (this carries through to another clause where the same terminology is used) such as in the case of a private health centre which bulk bills a Medicare cheque for a month's assigned benefits, could that be considered public funding? I ask the Minister to make clear whether he really means State Government and Health Commission grants or whether any money, including Commonwealth and Medicare money, could be included as public funding. I do not propose to clarify this by amendment. I would just like the Minister to tell us what he thinks the words 'public funding' mean and whether he thinks that it means State as distinct from Commonwealth funding.

The Hon. J.R. CORNWALL: Public funding in this context means taxpayer funding.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: Yes, certainly.

The Hon. R.J. Ritson: Would it include a Medicare bulk bill monthly cheque to a private medical practice?

The Hon. J.R. CORNWALL: No, obviously not.

The Hon. J.C. BURDETT: I refer to the amendment, and I take up the points raised by the Hon. Mr Cameron and the Hon. Mr Lucas. As I said in the second reading stage, in 1976 when the South Australian Health Commission Bill was introduced, the Minister made clear that one of the reasons—the basic reason—for providing for bodies to be incorporated under the South Australian Health Commission Act instead of under the laws relating to incorporation of associations (and most of them already were) was to provide that the metropolitan hospitals could operate on some sort of independent basis under a board instead of under a hospitals department. The Minister expressly said that other organisations could become incorporated under the South Australian Health Commission Act with their consent. Consent was the basis.

The Minister in his second reading speeches and in Committee has said that there are advantages for hospitals in becoming incorporated under the South Australian Health Commission Act. He has suggested that those which become incorporated may receive financial benefit over those that do not become incorporated. He has talked about their joining a family or coming into the family, but the point is that they ought to have options. If the financial advantages are so good, they can make up their own mind whether or not they become incorporated under the South Australian Health Commission Act. If they feel so great about being in the South Australian Health Commission family and having the Minister as their father, their mother or anything else, they have that option.

For goodness sake, let it remain as it is. Let the hospitals have an option and not be forced or compelled. As the Hon. Mr Lucas has said, the amendment proposed by the Hon. Mr Elliott is not, in practice, having regard to the facts of the position, so very different from the provision of the Bill.

The Hon. M.J. Elliott: It is very different.

The Hon. J.C. BURDETT: It is not so very different, as the Hon. Mr Lucas has said so clearly and as I will repeat, because the Hon. Mr Elliott does not seem to have heard. The Minister is saying that hospitals must be compulsorily incorporated. What the Hon. Mr Elliott is saying is that they can be compulsorily incorporated provided such a move is not disallowed by either House of Parliament. It means, then, that, if the Government and the Democrats join together, they will be compulsorily incorporated.

It is a provision to enable compulsory incorporation. It does not leave the matter in the hands of the hospitals, as it is now, and that is the great and fundamental difference. The great and fundamental difference is not so much whether we do it in one go, as the Minister wants, or allow it to happen in little bits and pieces, as the Hon. Mr Elliott wants: the difference is in whether we leave it to the hospitals (as we ought to do, and as has happened previously) to make up their mind how good the Minister is and what a wonderful father he will be or whether we allow perhaps a softer and more persuasive procedure (which the Hon. Mr Elliott has proposed) than the provision in the Bill but still a procedure for compulsory incorporation. The Hon. Mr Elliott has still encompassed this procedure in his amendment. It is a procedure which enables hospitals that are not currently incorporated under the South Australian Health Commission Act to be incorporated without their desire or wish, and contrary to their will. For those reasons, I oppose the amendment.

The Hon. M.J. ELLIOTT: I have come to realise that preselection time must be on in the Liberal Party. As I said, I came into this Parliament with a degree of cynicism and I am afraid that it continues to be reinforced. Clause 14, as I read it, is not about country hospitals: it is about the Health Commission generally. There was one reference to country hospitals, and that was the mention of the third schedule, which I seek to delete at this stage. The structure of this clause otherwise is identical to clause 21, which relates to health services, and there is no mention of country health services or anything else there. The basic structure is not in the first instance about the country, the city or anything else: it is about the Health Commission. If I wanted those 30 hospitals to be compulsorily incorporated, I would not move to delete the schedule. It is as simple as that. I am being accused of doing something in relation to country hospitals when I have not done a thing.

The Hon. M.B. Cameron: Not yet.

The Hon. M.J. ELLIOTT: I have not done anything. It is very interesting to be accused of something that one has not done. If I do that, members can accuse me but, until I do, they cannot.

The Hon. M.B. Cameron: All right.

The Hon. M.J. ELLIOTT: Anyone who is honest would not carry on in the way members have carried on today. The simple fact of the matter is (and the writing was on the wall—I could see it a few days ago) that the Liberal Party was keen to have this measure put off so that the situation could continue right through the recess and they could spend a couple of months worrying the heck out of all sorts of people. Some of the phone calls that I have received in the past few days have been absolutely unbelievable, and some of the stories that have been spun to people in country areas have been appalling—and they have come not just from the Liberal Party, by the way, but from other groups as well.

The Hon. J.R. Cornwall interjecting:

The Hon. M.J. ELLIOTT: I have not seen that one as yet.

Members interjecting:

The CHAIRPERSON: Order!

The Hon. M.J. ELLIOTT: Let me make a point and make it clearly: if I was about the compulsory incorporation of country hospitals, if I was quite happy for the Minister to have that power, I would not be proposing this amendment, and anyone who tries to make me out to be doing anything else is a liar.

The Hon. M.B. CAMERON: That is an interesting point. Let me make the point again, as the Hon. Mr Elliott obviously does not understand his own amendment to this clause, that I am opposing the clause, full stop. If he does not move the amendment, I will be impressed, and I will withdraw everything I have said. The next amendment is to clause 14 after line 25 and it inserts a new subsection. If the honourable member does not delete the clause and move that amendment, which he intends to do, then he is doing exactly what I am saying: he is taking unto himself the power to incorporate hospitals and taking that power from country boards. That is a simple fact.

The Hon. M.J. Elliott: I could do that right now if that is what I wanted to do.

The Hon. M.B. CAMERON: All right, but the honourable member will do it anyway. He will not do it now: he will say, 'No, that won't happen' but he is giving himself the power. He is taking away something that country hospitals have had, and I refer to the boards and people in those country areas.

The honourable member is giving the power to himself, because that is the way in which the Houses of Parliament operate. We know that. The honourable member should not say that he will not do something. If he does not move his next amendment, I will stand up and say, 'right, you are a genuine man. You haven't done it.' Until that happens the honourable member has that amendment on file, and we are reacting to it because we are against the whole clause.

Amendment carried.

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

Page 4, line 19—Leave out 'a substantial' and insert 'the major'.

This amendment is self explanatory and clarifies the situation. 'Major' rather than 'substantial', according to the meaning in law, would be the majority—in other words, 50 per cent plus one or more.

Amendment carried.

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

Page 4, after line 25—Insert new subsection as follows:

(3c) An incorporated hospital will not be established to take over functions from any other incorporated hospital or from an incorporated health centre pursuant to subsection (3a) *(b)*.

This amendment follows discussions I have had with the Australian Hospitals Association (SA Branch) and the South Australian Hospitals Association. The associations were concerned that the Government could proclaim a hospital already incorporated under the Health Commisson Act to be a public hospital and then a new constitution would be imposed. That was never the intention. The intention is to ensure that a hospital incorporated under the Act gives its consent if its functions are to be taken over by any other body. That, of course, would have to be done in practice by negotiation, and this amendment clarifies the matter and, as I understand it, meets the objection raised by both the SAHA and the AHA.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 4, after line 25—Insert new subsection as follows:

(3d) The constitution of an incorporated hospital that is established to take over the functions of another body pursuant to subsection (3a) *(b)* must include, as far as is practicable, provisions similar to those of the constitution of the other body.

I realise that if clause (3b) as originally proposed had remained intact there would be problems because the Governor by notice in the *Gazette* could declare a body to be a public hospital.

That was not acceptable. Such a decision needs to be made by the Parliament. What I have sought to do is have that decision made by regulation and structured in such a way that a regulation cannot come into force unless 14 sitting days have passed without a notice of motion for disallowance having been moved or, if one has been moved, if it has not been defeated, withdrawn or has lapsed. I have moved this amendment so that power is not left in the hands of the Minister to decide whether or not a body should be incorporated.

The Hon. M.B. CAMERON: The crunch has come and the member has moved the amendment to which the Hon. Mr Burdett, the Hon. Mr Lucas and I have referred. I do not need to extend the debate further. We made the points that were necessary, that by leaving in clause 14 and carrying this amendment it takes out of the hands of country communities and country hospital boards the power to make the decision whether or not to incorporate. They will still have power to do it, but there is an overriding factor now, that is, that if the Minister decides, by regulation, to bring in the lot in three months, 12 months, 18 months—goodness knows when—then 14 sitting days after that, unless the Houses of Parliament disallow it, it shall be. That puts into the hands of the Hon. Mr Elliott the power that has, until now, been in the hands of country communities and country hospital boards.

It is a simple fact, and one that the Hon. Mr Elliott cannot hide from. I trust that he will now understand exactly what we were saying. If he continues to support this amendment, that is what he will do. It is a simple fact. I do not wish to canvass this clause any more except to say that the honourable member is letting down country people. It is a foolish action on his part and one to which I am sure country people will respond in an appropriate way.

The Hon. J.R. CORNWALL: That is silly and melodramatic. As I said earlier, it is not the end of civilisation as we know it. It is really about coordination, integration and rationalisation of the Statewide health service. The Act is 10 years old. It specifically charges the South Australian Health Commission, and has done so for a decade, with coordinating and rationalising South Australian health services. I will not repeat what I said before; that is unnecessary. However, it is by no means draconian. It is not unusual by interstate standards or by standards anywhere else in the country.

If these conservatives here want to see how the real ultra-conservatives behave, they ought to look at what happens in Queensland. Nothing moves unless it is approved in Brisbane. Queensland has the tightest system of control in relation to the hospital service that exists anywhere in the country. Even the boards are appointed from Brisbane. Who are the Chairmen of the boards? For example, in the far north of Queensland the Chairman of the board is *ex officio* the local stipendary magistrate. They do not take any risks at all in Queensland.

The ultra conservatives direct precisely who will be on the board. There is none of this nonsense of democracy. The Queensland style is to direct precisely what will happen. This is not in that league—not at all. It is a very simple and reasonable proposition.

I indicate at this stage in advance that, since discretion is the better part of valour, I have little or no option but to accept the Elliott amendment. I do not particularly like it, because I do not particularly think it is necessary. However, I can live with it, and it gives those hospitals who have had 10 years to think about the meaning of life even further protection as they negotiate towards their new constitutions.

I would have to say that the proposal as it will emerge from this Chamber is very, very modest indeed. If we are serious about accountability and about husbanding taxpayers' funds in the most effective and efficient way possible, then I would submit that this matter, as proposed to be amended by the Democrats, is really a minimum position.

The Hon. M.J. ELLIOTT: I hope and expect that the people will realise that my view of what the Health Commission is and what it should be does not mirror that of the Minister of Health. In fact, it is my reservations of his perception of what the Health Commission should be that have caused me to move this number of amendments.

I do think that the Minister has made a relevant point. What is happening in this Bill today is accountability. Accountability is something which one would have thought that those of the right of Australian politics who want taxation reduced would support strongly. Taxation is not reduced without cutting spending in all sorts of areas, and most certainly one way that spending will be cut is by the introduction of accountability.

So, I would like to see how the hypocrites can continue to maintain their position. Once again, I point out that this has nothing to do with country hospitals. It has to do with the Health Commission, but the paranoia keeps coming back to that. I recognise the problems in relation to country hospitals, and a good number of the amendments that I have moved directly set out to protect them. A representation of any sort, as I said before, is a lie.

The Hon. M.B. CAMERON: The member is trying to get back in again after going out. He is trying to say that he is looking after country hospitals, but that is simply not the case. If he had stuck to getting rid of the third schedule, then I would withdraw everything that I have said about him and the Australian Democrats. However, I cannot do that because the honourable member is now taking away a power that they had. The first accountability of country hospitals is to the people whom they serve, who should have some say in what happens to the hospital.

The Minister talks about taxpayers' funds. One would almost get the impression that nobody who goes into a country hospital or has anything to do with it is a taxpayer. That is the sort of situation that I really find unacceptable. I know that the health system has changed. I do not agree with all the changes that have occurred, and this direction of funds from the top, instead of as it used to be (from the bottom, from the patient to the hospital), I frankly think has been a disaster. However, that is an issue for another day, and I am sure that that issue will be battled out more in the Federal election than it will on a State basis.

The Hon. Mr Elliott says that by this clause he is getting better accountability. The only way that can occur in the way that he is thinking is only by the hospitals being incorporated. It makes me suspicious, when the honourable member talks that way (that he intends at some stage in the future to use the power that he is giving to himself and the Australian Democrats in this Chamber) by moving this clause in some way to incorporate.

When the Minister moves for incorporation that will be done regardless of the feelings of the country hospital concerned. He can say what he likes, but this amendment takes away a power from country hospitals and gives it to the Democrats in this House in combination with the Government: this is a simple fact of life.

The Hon. J.R. CORNWALL: It is a pity that, in preparing for this debate, those members who have had so much to say so stridently and so loudly did not read the parent Act. I refer them to section 16 (1) of the principal Act, which provides:

> The function of the commission is to promote the health and well-being of the people of this State and, in particular—

It is charged with quite specific things under the Health Commission Act of 1976. There follows a list of the things that the commission must do to promote the health and well-being of the people in the State. In particular Section 16 (1) *(d)* states:

> Therefore, the coordination of health services on a Statewide basis is—

Members interjecting:

The CHAIRPERSON: Order!

The Hon. J.R. CORNWALL: I realise that you do not understand it, sonny, but you have a very simple little mind. Section 16 (1) *(d)* does not say that we want 81 separate hospitals or 140 individual health units all doing their own thing. It says that we need a system and should have one. The commission is charged under its Act with the provision of a system of health services which is comprehensive, coordinated and readily accessible. In 1981 during the Tonkin interregnum, when Jennifer Cashmore was Minister, an additional paragraph (fa) was inserted. That new paragraph provides:

> to ensure that incorporated hospitals, incorporated health centres and any health service established, maintained or operated by, or with the assistance of, the Commission are operated in an efficient and economical manner;

So, again, the commission is quite specifically charged with the good conduct Statewide of a coordinated health service which is operated in the most efficient and economical manner. We are in this legislation simply further extending to the extent necessary and desirable that power to coordinate and conduct health services Statewide in the most efficient manner reasonably achievable—no more and no less.

The Hon. M.B. CAMERON: That was a stunning contribution. Members on this side are absolutely flabbergasted by the Minister's reasoning to the point where they are convinced that we do not need this Bill because the Minister already has the power. He has just told us that he has all the power he has tried to give himself in this Bill. He has really argued himself into a position where we could throw this Bill out at the third reading stage, which is what I said at the beginning, and it would make absolutely no difference. If he has all this power and has gone through this list, why on earth do we need this Bill?

I do not know whether the Minister wants to debate this point any further, but I suggest that, if he wants to find further reasons, he could perhaps adjourn the debate for the time being, go off and have a bit of a think about the matter, and then perhaps he might come forward with some more gems. His most recent contribution was a real gem; it really was a stunning bit of rhetoric.

The Hon. J.R. CORNWALL: It is obvious that members opposite do not know the difference between functions and powers.

The Committee divided on the amendment:

Ayes (9)—The Hons. G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott (teller), I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons. J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons. M.S. Feleppa and Barbara Wiese. Noes—The Hons. L.H. Davis and C.M. Hill.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. M.J. ELLIOTT: I move:

> Page 4, after Line 25—insert new subsection as follows:
> (3e) The constitution of an incorporated hospital that is established to take over the functions of another body pursuant to subsection (3a) *(b)* must include, as far as is practicable, provisions similar to those of the constitution of the other body.

I foresee an incorporated hospital taking over the functions of another body as being an extremely rare event. Nevertheless, there will be times when that will occur, and I want to afford further protection to the bodies to which this happens by insisting that the constitution of this incorporated hospital mirrors the body whose place it is taking.

When tied in with a number of other things which are occurring—for instance, already in this clause we have the guarantee that the board will have a majority of people from that area from which it comes, and also the other guarantee which I am seeking by amendments to clause 18, relating to Chief Executive Officer—members will see that I have afforded increased protection to the autonomy of the body being taken over.

The Hon. R.I. LUCAS: Is the honourable member referring to the constitution of an incorporated hospital which is established to take over the functions of another body pursuant to subsection (3a) *(b)*?

The Hon. M.J. ELLIOTT: In the event that compulsory incorporation occurs, among the guarantees that will be existing are those which were given about the members of the board and which already exists within that clause, and I am trying to give another protection in relation to the constitution. The constitution usually talks about such things as the way the body will function, its purpose and such like, and by mirroring the constitution we are in fact not changing the way the body will be acting.

The Hon. R.I. LUCAS: Before I address the substantive part of this amendment, I do not understand why it is drafted as new subsection (3a)*(b)* and why it is not just new subsection (3a). Why does it refer only to paragraph *(b)* and not to any other part?

The Hon. M.J. ELLIOTT: It relates only to those instances where a compulsory incorporation occurs and compulsory incorporations occurs within subsection (3a)*(b)*. It involves that part of the clause referring to compulsory incorporation and I am saying that, if a compulsory incorporation occurs, the constitution of the new incorporated body will mirror that of the existing body.

The Hon. J.R. CORNWALL: I am not very happy with this clause but, reluctantly, I think that I can live with it.

The Hon. R.I. LUCAS: I think the Hon. Mr Elliott said that he did not envisage this particular situation occurring too often, including the constitutionally incorporated hospital being established to take over the functions of another body; and later on he talked about the compulsory acting corporation provision being operative, which would be in relation to, say, all of the 30 unincorporated hospitals.

The Hon. M.J. Elliott: No, it doesn't relate to those; it could involve a whole host of bodies. That's the point I've been trying to make all along.

The Hon. R.I. LUCAS: If it is not just the 30 unincorporated hospitals, what other bodies are you talking about?

The Hon. M.J. ELLIOTT: The honourable member will see that there are a number of health bodies which currently provide health services and which may not even be described as being hospitals, but which could become incorporated hospitals.

The Hon. R.I. LUCAS: What other bodies exist at the moment in South Australia which are not hospitals and which might become public hospitals? What sort of organisation do you envisage in your amendment that might be declared to be a public hospital?

The Hon. J.R. CORNWALL: At the moment we do not have any in mind, but that does not mean to say that we live in a changeless society. I think that in this amendment Mr Elliott is trying to provide for the future. It is for that reason that I would prefer to have flexibility in dealing with it. When I say that I am not particularly attracted to the amendment, it is not on the basis that it does anything at this time, but really it has an eye to the future and, if as services grow and in the view of the commission it becomes desirable that they should be incorporated, then as I understand it, under this amendment, among other things the commission would have to negotiate a constitution which would contain as far as is practicable provisions similar to those in the constitution of the other body. That could be under the Associations Incorporation Act, for example, and if it were desirable that they be incorporated the negotiations would have to proceed on the basis spelt out in the amendment.

The Hon. R.I. LUCAS: If in the future you get a regulation to compulsorily incorporate Booloorooo Centre, this provision will say that, in compulsorily incorporating, you will, whatever the new body is to be called, look at the present constitution of Booloorooo Centre as far as is practicable.

The Hon. J.R. CORNWALL: That is as I understand it, if Booleroo Centre, for example, has particular membership of its board. There are hospitals such as the Great Northern War Memorial Hospital, which is a rather grand title for quite a nice little hospital at Hawker. It is not uncommon—and indeed it is usual—for war memorial hospitals to have local RSL representation on their boards. It is not uncommon to find where three district councils have been involved in the development of a hospital, perhaps in the late 1940s or mid 1950s, that those councils either have a rotating member on the board or they are all represented on the board.

We would never send the commission tramping in saying, 'Tear up that constitution and throw it away. We do not really care how the board members got there. We have a brand new constitution for you and there will be completely different membership.' The existing constitution would be the basis in the first instance for negotiation, anyway. In that sense the amendment does not add to or detract from our negotiating position. I do not know that it is the most elegant piece of legislation that I have ever seen drafted, and I am not reflecting on the draftsman, who does an enormous job under sometimes trying circumstances. However, as I say, I think we can possibly live with it. That is obviously the spirit and intent and, therefore, I indicate that we will support the amendment—albeit not with a great deal of enthusiasm.

The Hon. M.J. ELLIOTT: As I said at the outset, I do not think that it will be used very often. It will occur as often as there is a compulsory incorporation and, as I said, I expect that that will be an extremely rare beast. However, should it happen, the clause will provide that the institution does not change much. It may be incorporated under the Health Commission, but its constitution will be essentially the same. Under my foreshadowed amendment to clause 18, its power to appoint a chief executive officer will remain exactly the same. So even when enforced incorporation occurs, things will not really change at all; it will be more a change of name than anything else.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (9)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes--The Hons M.S. Feleppa and Barbara Wiese. Noes—The Hons L.H. Davis and C.M. Hill.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clauses 15 to 17 passed.

Clause 18—'Officers and employees.'

The Hon. M.J. ELLIOTT: I move:

Page 5, lines 1 and 2—Leave out these lines and insert:

Section 30 of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The following provisions govern the appointment or dismissal of a chief executive officer by the board of an incorporated hospital—

(a) where a majority of the members of the board are appointed by the Minister—the board must not appoint or dismiss a chief executive officer except with the approval of the Commission; or

(b) in any other case—the board must consult the Commission before appointing or dismissing a chief executive officer.

The clause as currently proposed by the Minister would allow the Minister to have the power of veto over the appointment of chief executive officers in any hospital in the State. My amendment essentially says that he keeps the ones he now has the power of veto over, but the ones he does not have power of veto over he does not get.

The Hon. J.R. Cornwall: That is crude.

The Hon. M.J. ELLIOTT: But it is easy to understand. The only proviso that might be slightly different (although in practice it is not greatly different) is that, before appointing the chief executive officer, the board must consult with the Minister. However, the boards can tell him to go jump if they do not agree with him.

The Hon. M.B. CAMERON: I will not move the amendment standing in my name opposing the clause because I think that, for the first time, the Hon. Mr Elliott and I are of one mind.

The Hon. M.J. Elliott interjecting:

The Hon. M.B. CAMERON: Yes, I know. For the first time the honourable member has actually done something for them at long last; that is very pleasing. I have an example of this sort of problem arising which I do not intend to canvass tonight, but there may be an even more enthusiastic supporter of this particular amendment, so the Hon. Mr Elliott has won me.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—'Incorporation, etc.'

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

Page 5, line 29—Leave out 'a substantial' and insert 'the major'.

The amendment is consequential.

Amendment carried.

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

Page 5, after line 35—Insert new subsection as follows:

(3c) An incorporated health centre will not be established to take over functions from any other incorporated health centre or from an incorporated hospital pursuant to subsection (3a) *(b)*.

This amendment is consequential. We passed a similar amendment earlier concerning hospitals, and this provision refers to health centres.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 5—after line 35—insert new subsection as follows:

(3d) A notice under subsection (3b)—

(a) must be laid before both Houses of Parliament;

(b) may be disallowed by resolution of either House of Parliament in pursuance of a notice of motion given within 14 sitting days of the date on which the notice was laid before the House;

(c) taken effect—

(i) if no notice of motion for disallowance is given within that period—when the period for giving such notice expires;

(ii) if such a notice of motion is given—when the motion is defeated or is withdrawn or lapses.

The reasons for moving this amendment are identical to the reasons that I gave in clause 14 in relation to hospitals. In this area there is an even greater range of bodies that could have been brought in if the power had been left entirely to the discretion of the Minister. The enormous number of bodies goes right down to those receiving $2 000 grants. In some cases the $2 000 might be the only funding they get. Probably, the number runs into some hundreds of health centres of an incredible diversity, going up to other services which might be receiving some millions of dollars.

Obviously, it would be crazy to suggest that the Minister would have any interest at all in compulsorily incorporating the very small services, but it might be true that he would like to see some of the large ones receiving large sums of Government money being incorporated to increase accountability. The difficulty then arises about what to do with those bodies which lie somewhere in the mid range of funding and which receive perhaps more than $20 000 or $50 000. I believe there is some need to put such compulsory incorporations before the Council so that they can be disallowed. At least there has been parliamentary scrutiny of them.

The Hon. R.I. LUCAS: This is a matter which I raised in the second reading speech and about which I feel strongly. I thank the Minister's officers for providing me with a two page table listing incorporated hospitals and health centres, including the date of incorporation. To try to short circuit debate in Committee, I seek leave to have that list incorporated in *Hansard* without my reading it.

It includes statistics in relation to the dates of incorporation.

Leave granted.

HOSPITALS & HEALTH CENTRES INCORPORATED UNDER THE S.A.H.C. ACT 1976 (73)

Hospital/Health Centre	Date of Incorporation
Adelaide Rape Crisis Centre	1 September 1985
Adelaide Women's Community Health Centre Incorporated	20 May 1980
Adolescent Health Centre 'The Second Story'	
Angaston & District Hospital Incorporated	20 October 1980
Balaklava Soldiers' Memorial District Hospital Incorporated	23 March 1987
Berri Regional Hospital Inc.	1 October 1984
Bordertown Memorial Hospital Incorporated	4 March 1981
Ceduna Koonibba Aboriginal Health Service	1 August 1986
Central Northern Health Services	1 September 1980*
Child Adolescent & Family Health Service	30 November 1981
Cleve District Hospital Incorporated	15 April 1983
Clovelly Park Community Health Centre	1 July 1981
Coober Pedy Hospital Incorporated	30 September 1981
Cummins & District Memorial Hospital Inc.	16 September 1985
Dale Street Women's Health Centre	20 February 1986
Drug and Alcohol Services Council	3 September 1984
Eastern Community Health Service	1 August 1985
Elizabeth Women's Community Health Centre	19 March 1986
Elliston Hospital Incorporated	28 March 1980
Eudunda Hospital Incorporated	12 January 1981
Flinders Medical Centre	1 July 1980
Glenside Hospital	13 July 1981
Health Development Foundation	15 December 1986
Hillcrest Hospital	24 August 1981
Hutchinson Hospital Incorporated	21 October 1982
Independent Living Centre of South Australia Inc.	28 August 1984
Ingle Farm Community Health Centre	14 August 1981
Intellectually Disabled Services Council Incorporated	1 July 1982
Julia Farr Centre	2 July 1984
Kangaroo Island General Hospital Incorporated	25 May 1981
Karoonda & District Soldiers' Memorial	14 August 1986
Kimba District Hospital Inc.	10 January 1985
Kingston Soldiers' Memorial Hospital Incorporated	26 July 1983
Lameroo District Hospital Incorporated	11 May 1981
Leigh Creek South Hospital	31 July 1981
Loxton Hospital Complex Incorporated	8 July 1985
Lyell McEwin Health Service	10 May 1984
Lyell McEwin Hospital	1 July 1980*
Maitland Hospital Incorporated	23 May 1985
Mannum District Hospital Incorporated	11 November 1982
Meningie & Districts Memorial Hospital Incorporated	17 November 1982
Minlaton District Hospital	15 October 1980
Modbury Hospital	7 February 1979
Mount Barker District Soldiers' Memorial Hospital Incorporated	26 August 1982
Mount Gambier Hospital Incorporated	15 March 1979
Mount Gambier Community Health Service	11 December 1986
Murray Bridge Soldiers' Memorial Hospital Incorporated	24 November 1980
Noarlunga Health Services Inc.	21 January 1985
North West Nurse Education Centre	1 December 1984
Oodnadatta Hospital & Health Service	1 September 1986
Pika Wiya Health Service	3 December 1984
Pinnaroo Soldiers' Memorial Hospital Incorporated	10 November 1981
Port Adelaide Community Health Service	16 July 1984
Port Augusta Hospital Incorporated	14 March 1979
Port Lincoln Health and Hospital Services Inc.	8 March 1979
Port Pirie & District Hospital Incorporated	27 March 1979
Queen Victoria Hospital Incorporated	1 March 1986
Renmark and Paringa District Hospital Incorporated	21 June 1982
Riverland Community Health Service	5 October 1982
Royal Adelaide Hospital	22 January 1979
South Australian Dental Service	1 July 1982
South Coast District Hospital Incorporated	23 November 1983
Southern Domiciliary Care & Rehabilitation Service	1 September 1980
Southern Women's Health and Community Centre	6 May 1986
Southern Yorke Peninsula Hospital Incorporated	25 May 1981
Strathalbyn & District Soldiers' Memorial Hospital Incorporated	11 October 1983
Streaky Bay Hospital Incorporated	19 August 1985
Tea Tree Gully Community Health Service	22 February 1983
The Aboriginal Health Organisation of South Australia	16 September 1981
The Adelaide Children's Hospital Incorporated	24 September 1984

Hospital/Health Centre	Date of Incorporation
The Parks Community Health Centre	21 December 1981
The Queen Elizabeth Hospital	22 January 1979
The Second Story	11 July 1985
The Whyalla & District Hospital Incorporated	19 April 1979
*19 April, 1979 Repealed new constitution	19 December 1985
Waikerie District Hospital Incorporated	22 March 1982
Wallaroo & District Hospital Incorporated	3 April 1980

*Incorporation of these two bodies dissolved upon incorporation of Lyell McEwin Health Service.

The Hon. R.I. LUCAS: To short circuit the debate, I seek leave to insert in *Hansard* a number of pages in tabular form from the blue book entitled 'Minister of Health. South Australian Health Commission. Information Supporting the 1986-87 Estimates' listing bodies and agencies, whether hospitals or other health services, that receive Health Commission funding (pages 11 to 15 of the blue book). I wish to list only the name of the agency and the preliminary budget allocation for 1986-87, and I will delete the other six columns.

The Hon. J.R. CORNWALL: I do not want to be pernickety about this, but this is a public document. The taxpayers have already gone to the expense of having it printed once. It will take up substantial space in *Hansard.* Does the honourable member feel it is really necessary?

The Hon. R.I. Lucas: I would like to refer to it.

The Hon. J.R. CORNWALL: There is no problem about that, but I wonder about incorporation in *Hansard* of a Health Commission publication which is available to anyone on request.

The Hon. R.I. LUCAS: While this document is available, it is not available widely. I do not want to take the time of the Committee in going through all the bodies that receive funding. Even under the amended clause, which I will oppose, these bodies receive major funding from the Health Commission or public funding. All these bodies—

The Hon. M.B. Cameron: They do not know—

The Hon. R.I. LUCAS: That is the point. Most of these bodies are not aware that they can be compulsorily incorporated under this provision. I instanced some of those bodies the other night, such as the Royal District Nursing Society, COPE, GROW, the Royal Society for the Blind, the Anti Cancer Foundation, the Crippled Children's Association, the Royal Flying Doctor Service, the Spastic Centres and the Family Planning Association.

A whole range of organisations provide health services that will not know that they could be compulsorily incorporated under the Health Commission by this clause, even with the amendment being moved by Mr Elliott which I will oppose consistent with my attitude to clause 14 in relation to hospitals. I am seeking to cut back on the pages in the blue book by indicating the name of the body and the amount of money that is preliminarily allocated for 1986-87, so that when people look at the Health Commission debate on this Bill they will know whether they are possibly affected by this provision. People will realise that a whole range of bodies as diverse as the Crippled Childrens Association, COPE, GROW and the Royal District Nursing Society may well be compulsorily incorporated should the Government and the Democrats deem that they should be compulsorily incorporated under the provision. I seek leave to have the tables incorporated in *Hansard.*

Leave granted.

SOUTH AUSTRALIAN HEALTH COMMISSION
STATEMENT No. 8

	1986-87 Prelim. Budget Allocations
Associated Services:	$
I.M.V.S.	27 502 200
Red Cross B.T.S.	4 633 100
St. John Council of S.A.	12 324 100
State Rescue Helic. Surv.	27 000
Sub-Total Assoc. Services	44 486 400
Sub-Total Rec. Hosp. and Assoc. Serv.	540 066 495
Funds to be allocated	15 711 505
Total Rec. Hosp. and Assoc. Serv.	555 778 000
Mental Health Hospitals:	
Glenside	23 577 000
Hillcrest	22 715 300
Sub-Total Hospitals	45 292 300
Other M. H. Services:	
M. H. Review Tribunal	229 300
The Guardianship Board	838 900
Sub-Total Other M. H. Serv.	1 068 200
Sub-Total Mental Health	47 360 500
Funds to be allocated	572 500
Total Mental Health	47 933 000
Intellectually Disabled Services:	
Community Services	5 899 700
I. D. S. Council	2 844 200
Minda Inc.	13 625 400
Strathmont Centre	16 764 600
Sub-Total I. D. Services	39 133 900
Funds to be allocated	503 100
Total I. D. Services	39 637 000
State Nursing Homes:	
Hampstead	5 712 200
Julia Farr Centre	24 155 000
Magill	3 448 800
Ru Rua	3 592 000
Sub-Total Nursing Home	36 908 000
Funds to be allocated	190 000
Total State Nursing Homes	37 098 000
Community Health Services, Community Health:	
Adelaide Rape Crisis Centre	226 500
Adelaide Womens CHC	478 300
C.A.F.H.S.	10 330 000
C.A.F.H.S./I.D.S.C. Service Program	
C.O.P.E.	391 100
Ceduna CHC	67 900
Child, Youth and Family Serv.	216 700
Cleve CHC	34 000
Clovelly Park	518 000
Co-ordinators—G.P. Train.	154 000
Coober Pedy CHC	70 500
Coonalpyn Downs	60 000
D.A.S.C. (Excl. St. Anthonys)	6 536 000
Dale St. Womens CHC	239 300
Eastern CHS	1 059 400
Eastern Regional and M.R.S.	800 100
Elizabeth Womens CHC	255 800
F.M.D.E.C.H.	236 500
G.R.O.W.	229 000
Gladstone CHC	94 600
Glenside Community Psychogeriatric Team	733 000
Health Advisory Committees	231 900
Henley/Grange Council—C.H. Nurse	8 400
Hindmarsh Council—C.H.S.	34 700

SOUTH AUSTRALIAN HEALTH COMMISSION
STATEMENT No. 8

	1986-87 Prelim. Budget Allocations
Independent Living Centre	206 000
Ingle Farm CHC	829 400
Keith CHC	57 000
Kingoonya CHC	1 700
Lock CHC	84 700
Lucindale CHC	25 000
Lyell McEwin CHS	611 600
Med. Students Rural Place	5 100
Mount Gambier Ext. Care	836 000
Munno Para CHC	137 900
Noarlunga Health Services	2 832 000
North West Nurse Educ. Centre	2 550 600
Nurses Comm. Health—Sturt	64 000
Nurses Continuing Education	178 000
Para-Med Aides Training Course	97 400
Parks CHC	809 600
Parks (Dental)	270 600
Port Adelaide CHS	483 400
Port Lincoln CHC	326 400
Riverland CHC	413 000
Royal District Nursing Soc.	7 259 000
Royal Society For The Blind	2 994 400
Southern C.H. Research Unit	122 000
Southern Fleurieu Peninsula	252 000
Southern Womens CHC	180 000
St. John Emerg. & Adv. Care Prog.	60 000
Tea Tree Gully CHC	461 500
The Ageing Project	395 400
The Second Story	363 100
Thebarton Council CHS	33 100
Tumby Bay CHC	24 200
Vol. Component Hospice Care	53 000
Western Reg. Rehab. Serv.	734 450
Whyalla CHC	150 600
Willis House	455 200
Windana Day Care	231 000
Sub-Total Community Health	47 594 050
Domiciliary Care:	
Barossa DCS	97 900
Eastern DCS	1 388 200
Lower North DCS	68 000
Loxton DCS	212 000
Lyell McEwin CHS—Dom. Care	645 400
Mannum DCS	35 000
Mid North DCS	409 100
Millicent DCS	81 000
Murray Bridge DCS	60 000
Northern Yorke Penin. DCS	395 686
Port Augusta DCS	287 800
Port Lincoln DCS	123 200
Southern DCS	2 522 000
Southern Yorke Penin. DCS	145 300
Tatiara DCS	39 000
Waikerie DCS	54 000
Western DCS	2 430 900
Whyalla DCS	330 000
Sub-Total Domiciliary Care	9 324 486
S.A. Dental Services:	
Adelaide Dental Hospital	6 779 100
Central Support	1 163 300
School Dental Service	8 699 000
Sub-Total S.A.D.S.	16 641 400
Psychiatric Clinics:	
Beaufort	634 500
Carramar	646 000
Mental Health Accomm. Prog.	559 400
Sub-Total Psych. Clinics	1 839 900
Sub-Total Community Services	75 399 836
Funds To Be Allocated	1 483 908
Total Community Services	76 883 744

	1986-87 Prelim. Budget Allocations
Aboriginal Health Services	1 443 660
Funds To Be Allocated	13 340
Total Aboriginal Health Services	1 457 000
Grants to Health Agencies:	
Anti Cancer Foundation	209 300
C.C.E.H.A.	117 700
C.H. Survey—Noarlunga LGA	14 000
Ceduna/Koonibba Abor. Health Serv.	207 000
C.H. Worker—Enfield LGA Community Health Week Counselling Outreach	6 200
Crippled Childrens Assoc.	230 000
Crippled Childrens Nursing Home	48 000
Family Planning Assoc.	481 000
Hindley St Youth Project	17 000
Health Ed. Prog.—Naracoorte	10 000
Institute for F.R. & T.	42 600
Kimba Neighbourhood Centre	—
Marion Trans.—Aged & Disabled	42 000
Nganampa Health Council Inc.	430 000
Para District Counselling Services	97 100
Phillip Kennedy Hosp. Southern Cross	160 000
Pika Wiya Health Service	415 000
RACGP Abor. Health Training	—
Repatriation Nurse Program	21 000
Royal Flying Doctor Service—Aust.	619 000
S.A. Abor. Trachoma & Eye Health Prog.	—
S.A. Deaf Society	56 600
Salisbury Shopfront Ad. Centre	97 600
Spastic Centres	837 000
T.T.G. Adolescent Centre	26 700
T.T.G.—Community Info. Service	26 200
Windana N.H.—Southern Cross	84 000

The Hon. R.I. LUCAS: I thank the Minister and the Australian Democrats. I indicated my attitude on this clause in the second reading. It is exactly the same principle involved in the long debate that we had in relation to clause 14 and the attitude of unincorporated hospitals. I repeat the view in relation to clause 21: if bodies such as COPE, GROW or the Royal District Nursing Society do not wish to incorporate, they should be allowed to choose to incorporate or not incorporate. It should not be a compulsory incorporation decision of the Government and the Australian Democrats that the Anti-Cancer Foundation or the Family Planning Association, for example, should be compulsorily incorporated under the Health Commission.

That will occur, as I said earlier in relation to clause 14, in one mechanism if the Government Bill went through, and it will still occur possibly under the amendment moved by the Hon. Mr Elliott. Those organisations can be compulsorily incorporated should the Government and the Democrats get together. For those reasons, I indicate my strong opposition to the amendments to be moved by the Hon. Mr Elliott and to the Government's clause.

The Hon. M.J. ELLIOTT: It is worthwhile being honest here and saying that it is no more likely to occur under my amendment clause than it would be if the Government passed a Bill. Because of the way in which numbers work in this Parliament, exactly the same thing happens. If the Government decided to put through a Bill for compulsory incorporation, both Houses would need to concur. If there was a decision to do it by regulation, both Houses would still need to concur because if either moved a motion of

disallowance it could not occur. So, the true effect is identical—there is no difference at all.

Anyone who tries to represent it in any other way is being extremely dishonest. I do not know whether they are being dishonest with themselves or with others. Anybody who has been in Parliament for some time should know that the effect of this is no different from what would happen if the Government tried to push through a Bill—it is no more or less likely to occur.

The Hon. M.B. CAMERON: The member can make any gesticulations he likes, but until this Bill is passed nothing can occur unless the body wants to incorporate. After this Bill is passed, it can occur whether or not they want it to. It is as simple as that. If a regulation is brought in and that regulation is not disallowed, the body has no say whatsoever. What happens is the same as I said earlier, and it will happen because of the numbers in this Chamber. Let us be honest; that is the way it works. Anyone who indicates anything differently is being dishonest, to use the Hon. Mr Elliott's words. The fact is that he is taking unto this Council and therefore unto himself—because that is the way the numbers operate—the power to incorporate, despite the wishes of the bodies, if that move is made by the Minister and the Hon. Mr Elliott agrees with it.

The Hon. M.J. ELLIOTT: As the Minister of Health is prone to do from time to time, let me say it more slowly. If the Minister decided that he wished to incorporate a body and it was done by regulation, it could occur only if either the Democrats or the Liberals agreed with him. If the Minister decided to do it by way of a Bill, he could do it only if either the Democrats or the Liberals agreed. There is absolutely no difference whatsoever.

Members interjecting:

The Hon. M.J. ELLIOTT: You are talking absolute nonsense.

Members interjecting:

The CHAIRPERSON: Order!

The Committee divided on the amendment:

Ayes (8)—The Hons G.L. Bruce, J.R. Cornwall, T. Crothers, M.J. Elliott (teller), Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons M.S. Feleppa and Barbara Wiese. Noes—The Hons L.H. Davis and C.M. Hill.

The CHAIRPERSON: Order! There are 8 Ayes and 8 Noes. As there is an equality of votes, I give my casting vote for the Ayes.

Amendment thus carried.

The Hon. M.J. ELLIOTT: I move:

Page 5, after line 33—Insert new subsection as follows:

(3c) The constitution of an incorporated health centre that is established to take over the functions of another body pursuant to subsection (3a) *(b)* must include, as far as is practicable, provisions similar to those of the constitution of the other body.

The arguments in relation to new subsection (3c) are identical to those that I made previously to clause 14.

Amendment carried.

The Hon. R.I. LUCAS: I indicate my strong opposition to the clause as amended.

Clause as amended passed.

Clauses 22 to 24 passed.

Clause 25—'Officers and employees.'

The Hon. M.J. ELLIOTT: This amendment is identical to that which I moved to clause 18 and therefore needs no further discussion.

Amendment carried; clause as amended passed.

Clauses 26 to 28 passed.

Clause 29—'By-laws.'

The Hon. R.I. LUCAS: During the second reading debate I asked the Minister whether he had any concern about providing wide by-law powers for a number of the smaller incorporated health centres. I indicated that I could understand why hospitals such as the Royal Adelaide Hospital should be able to control traffic, regulate speed, prohibit standing, parking or ranking, prohibit disorderly behaviour and consumption of alcoholic liquor, prevent undue noise and use a whole range of other powers that exist here, but a lot of smaller bodies like COPE, GROW and the Anti Cancer Foundation will become incorporated health centres and will therefore, under this clause, have all those powers. Is that what was intended by the Minister, and is he concerned about that situation? Under Clause 29 (5) the very smallest health services in South Australia, if they became incorporated health centres, would be able to send out expiation notices for all of the offences listed under the by-law.

The Hon. J.R. CORNWALL: The Hon. Mr Lucas was kind enough to indicate, as he usually does, that he would raise this matter. The present Act gives hospitals the power to make by-laws under section 38. Health centres have a similar power under section 57aa. Clause 29 seeks to spell out in more detail than does current section 57aa the matters upon which by-laws may be made by health centres. Section 57aa, incidentially, was inserted as part of a series of amendments introduced into this place in 1981 when substantial amendments were made to the Health Commission Act. At the moment health centres can make by-laws for the maintenance of good order, the protection of property, and so forth. The amendment spells out in detail the matters on which by-laws may be made in the same way as for hospitals.

In fact, none of the health centres have chosen to make by-laws, although some have investigated the possibility. The major stumbling block prior to this amending legislation was a lack of power to expiate parking offences. There is such a power in section 38 (5) in relation to hospitals. Equally, there is no provision in section 57aa which is the section giving health centres the power to make by-laws and which allows certain matters to be presumed when taking proceedings to prosecute an offence under the by-laws. These presumptions are available to hospitals under section 37 when prosecuting, and this amendment seeks to give the same provision to health centres.

Clause passed.

Clause 30—'Repeal of s.58 and substitution of new section.'

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

Page 9, after line 7—Insert new subsection as follows:

(4) The administrator must arrange for a new board of the hospital or health centre to be consitituted within 4 months after the removal of the previous board and, for that purpose, the administrator may call a meeting to elect new members to the board.

The CHAIRPERSON: I think both the Minister's amendments and the Hon. Mr Cameron's amendment, not yet moved, can be canvassed simultaneously.

The Hon. M.B. CAMERON: I am concerned about this clause, because for the first time the Minister is given power of direction to a board. I do not see why that is necessary, as I believe that under the old provision the Minister had sufficient power to do the things necessary if a board failed to properly exercise and perform the responsibilities and functions for which it was established. In my opinion that is sufficient. This provision gives a power of direction that will be extremely difficult to define, as in this situation

someone will have to decide whether an incorporated hospital or health centre 'has failed in a particular instance properly to perform the functions for which it was established'. That is a fairly broad concept indeed.

The Hon. R.I. Lucas: Who addresses that?

The Hon. M.B. CAMERON: Yes; certainly not the board. The clause further provides that 'the commission may give such directions to the hospital or health centre as are necessary to remedy the failure'. First, one must establish the failure—and that is established by the commission, not by the board—and then the directions are to be followed without any argument, without any way of saying, 'Hey, that is not correct.' Proposed new section 58 (2) provides that the board of the hospital or health centre must comply with the commission's directions. That is a very direct power. It is one that I believe is unnecessary and a step in a direction that the Opposition certainly does not support. The Opposition does not support the amendment. I urge the Committee to oppose the Minister's amendment and the clause.

This places the committee in some difficulty, because, for example, if the Hon. Mr Elliott intends to oppose the clause (which I believe is the proper course), he will have to first consider his position in relation to the Minister's amendment. The Minister's amendment in fact improves the clause, so I would certainly want the clause amended in that way if the clause is to remain in the Bill. I suppose that the best procedure to follow is first to support the Minister's amendment and then to oppose the clause, on which I indicate that the Opposition will certainly call for a division.

The Hon. J.R. CORNWALL: I find the attitude of the Hon. Mr Cameron and the Opposition in this matter quite amazing.

The Hon. M.B. Cameron: You always do.

The Hon. J.R. CORNWALL: But I do not use the phrase 'absolutely disgraceful' generally—that is reserved for the Hon. Mr Cameron. However, that is an aside, and I must not be deflected at this hour of the night. This is the Opposition which has pursued me, and which has pursued by name senior officers of the commission over the Lyell McEwin fiasco, which events occurred in 1981 and 1982. It ceased very soon after I became the Minister of Health. One of the reasons for those sorts of things occurring in hospitals at that time was that one or two of them thought that they could get away with it.

They thought that they could get away with it because the then Government stressed autonomy in the literal sense. It said, 'You are autonomous.' Each individual hospital around the city and right around the State was told that it was autonomous, and the commission was to get out of the way and not be involved. But there, sitting right at the top or at the side—wherever one wants to put the Minister in the scheme of things—was this poor unfortunate Minister of Health, who was responsible, under the bastardised Westminster system as it then applied in the health services of this State, and accountable for everything which moved in the health system.

It was very clear (and I made the point again and again at the time) that we ought to have power to direct. I have been consistent in that matter ever since I have been the Minister; that where an incorporated hospital or incorporated health centre has failed in a particular instance to properly perform the functions for which it was established, the commission may give such directions to the hospital or health centre as are necessary to remedy the failure. That is hardly exceptional.

It is consistent with the whole thrust of this Bill, which is about accountability and the power to have some control over what is a very complex and difficult system.

It is an absolute nonsense to suggest that the commission in the discharge of its duties should not have power to direct when, in a particular instance, a hospital or health centre has clearly failed in the performance of its duty. I really cannot grasp how it is possible for the Opposition to reconcile its professed attitude of good management, good accountability and ministerial responsibility with an opposition to what is a very sensible and mild-mannered amendment.

The Hon. M.J. ELLIOTT: I feel that the clause as proposed by the Minister is in line with the concepts of accountability, at least in the first part of the clause. As for the latter part, it is quite similar to what is already in the existing Health Commission Act, with the exception that there were no appeal mechanisms. That caused me a great deal of concern, because I believe that it should be possible to keep the principles not only of accountability but of a degree of input from the board of whatever body it happens to be. I do not see them as being complete contradictions.

I believe that the Minister and the commission have the final control, but I want the boards to be able to act relatively freely, and I do not want them to be in a position where they can be unfairly dismissed. I really could see the case, if we want to take country hospitals, where a board wants to stick up for what it believes is right. That is part of the political process, and I am sure that they can yell and scream and, perhaps, even be a little disobedient.

The Minister may decide that he wants to sack that board, and that is fraught with all sorts of political dangers, to start off with. Nevertheless, I still think that the board deserves a degree of protection. My first feeling was that perhaps we could do something such as was in the original Act or, as someone suggested at one stage, consider using the Ombudsman. I guess the problem with that is that one could find oneself in a tacky legal process. I am not sure that the Ombudsman always works well in these circumstances, and I do not think he would have been an ideal solution.

The amendment that the Minister now has before us providing that the administrator must within four months call an election for a new board is, I believe, the ultimate appeal mechanism, because the board that has been sacked now has a right of appeal to the people who put it there to start off with. I believe that that is the best board of appeal that one could ever hope to have. In that case I will support the amendment and the clause.

The Hon. R.I. LUCAS: There were three major difficulties with this Bill. We have discussed two of them and the third relates to this clause. In the second reading debate I asked a number of questions relating to certain propositions that country doctors have put to me. I asked the Minister to investigate the correctness or otherwise of those propositions. The first one related to the power of the Health Commission to order the withdrawal or alteration of clinical or admitting privileges to a particular incorporated hospital. I instanced the occasion of a country doctor who was in dispute with the Health Commission. He was lucky enough to be with an unincorporated hospital when the direction came from a senior officer within the Health Commission that his clinical and admitting privileges should be withdrawn. As I indicated, the unincorporated hospital disagreed with that direction and that country doctor continued to practise in that locality. I undertook to put the question to the Minister and I did so in the second reading debate. I now seek a response from him.

A number of other country doctors asked me about the remuneration packages which were negotiated between country doctors and now incorporated hospitals in the country areas. When this Bill passes with the support of the

Hon. Mr Elliott, would the Health Commission have the power to influence the negotiation between a country doctor and a country hospital in relation to remuneration packages when a country hospital tries to attract that doctor to the country area? I indicate my attitude to the Bill and that I am again disappointed with the Hon. Mr Elliott in relation to the three major aspects of the Bill. He supported the Government in relation to all three matters. I believe that his attitude will create much harm in relation to the delivery of health services in country areas. I refer in particular to clause 30 and proposed new section 58 (1), which provides:

> . . . in a particular instance properly to perform the functions for which it was established, the commission may give such directions to the hospital . . as are necessary to remedy the failure.

It is clear that the functions for which, for example, a hospital is established would come under some generalised phrase such as 'the delivery of health and hospital services' in that locality.

Are there contained in the constitution, the Health Commission Act or elsewhere words to describe the functions that a particular hospital or a particular health centre has to perform? Whatever they are, if they are contained in the constitution, they would be fairly general phrases about the efficient and equitable delivery of health services in that area. They would be broad objectives and functions. The commission has the sole right to interpret as to whether the functions for which it was established (and they will be broad functions) have been properly performed. There is no doubt that that is a big enough loophole in the clause through which to drive the proverbial truck and, if the commission and its officers wanted to use this provision, I do not believe that there would be too many circumstances in which the commission would find itself inhibited by the drafting of clause 30 as it presently stands.

I believe, in the whole range of circumstances where the commission might like to make a direction to a health service or a hospital, under this provision it would be able to direct the service in that way. I will not take this to any great length at this stage. I repeat my strong opposition to the clause. As I said, as with the two other major parts of the Bill, sadly the Democrats have hopped into bed with the Government and are not supporting the interests of country people in relation to this clause.

The Hon. J.R. CORNWALL: Basically, I need to cover three things in response to the honourable member's queries. First, with regard to hospitals which are not currently incorporated under the Health Commission Act, there is currently no legal power to direct. However, as I said last night, the commission can and does impose what are called conditions of subsidy.

The Hon. M.B. Cameron: It's called blackmail.

The Hon. J.R. CORNWALL: No, it is called 'He who pays the piper calls the tune'. In practice, of course, it must be exercised with very considerable discretion, even when the rednecks at Riverton were in full flight, and even when the doctor at Riverton sent an 85-year old nursing home patient to the Royal Adelaide Hospital by ambulance after ripping her out of her local environment—a disgraceful performance. Even when that happened the commission did not see fit to use its powers in relation to conditions of subsidy—in other words, to withdraw funding—in order to have the hospital board behave in a humane and sensible manner.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: Certainly.

The Hon. R.I. Lucas: At any one particular time, or can the conditions of subsidy be altered at any time?

The Hon. J.R. CORNWALL: At any time. That power has always been there, and it will remain there. Nothing changes in that sense in relation to any health unit that is not incorporated under the Act.

The Hon. R.I. Lucas: A condition of subsidy could be to order a board to withdraw the clinical and admitting privileges of the local doctor.

The Hon. J.R. CORNWALL: That is conceivable but most unlikely. The circumstances would have to be extraordinary indeed for that to happen. I repeat: there is no legal power to direct, but the commission can apply conditions of subsidy. With regard to the admitting or clinical privileges—and here I revert to talking primarily about incorporated hospitals—a direction merely to remove a doctor's privileges would not be sufficient, anyway, to remedy the 'failure' to perform certain functions at the hospital. It would have to be accompanied by some positive action to plug the gap. In other words, simply to direct a hospital board and administration that they must withdraw a doctor's clinical or admitting privileges in isolation would of itself not be considered reasonable action; it would have to be accompanied by a replacement.

As a further example, if a hospital was directed to withdraw the clinical privileges of an orthopaedic surgeon, a simultaneous arrangement for the provision of orthopaedic services would have to put in place. So it is not a draconian power; nor would it ever be exercised capriciously. It would be politically foolish in the extreme to exercise that power capriciously. As I say, it has to be accompanied by action to literally remedy the failure. With regard to so-called compulsory incorporation, of course, incorporations have been going on for the past 10 years without any compulsion at all; and I am sure that that will continue for the next 12 months.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: Not much.

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: We will be pretty diligent in encouraging them to incorporate. The terms of remuneration packages for country doctors were addressed. I presume that Mr Lucas was talking about the modified fee-for-service arrangements which involve the so-called 85 per cent or the scheduled fee less $5, whichever is the greater. That is the current rate and because the scheduled fee in South Australia was recently increased by an average of 22 per cent, I think from memory, no more has been heard about the Clayton's dispute that was allegedly occurring with country doctors.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I will tell the honourable member how it happens in a moment. Let me make it clear that it was a Clayton's dispute because I was never in dispute with the doctors. On a serious note I want to make an important point and I want it on the record. At the moment, country and suburban GPs have reached a position in the evolution of medicine where, for a variety of reasons, they are not getting the sort of job satisfaction which they did in previous times. There are a variety of reasons for that. Because of that, one of the senior doctors in the commission has been negotiating with the Australian Medical Association, and particularly the rural practitioners group, to devise a survey which will be satisfactory to all parties and which will address a range of things including job satisfaction and, in general terms (certainly not with respect to individual practices), the sort of levels of income which GPs currently derive. It is my view that we will probably be disagreeably surprised by the relatively low income of a lot of general practitioners, both in the suburbs and in rural practice. That is a matter of very considerable concern to me and to the commission.

As part of the comprehensive health service delivery around the State, we have a duty to take whatever action is reasonable to ensure that we maintain an adequate number of GPs to service the population. Some of the disaffection concerns the lack of postgraduate training. Part of it is because these days the spouses of doctors, whether male or female, very often tend to have tertiary qualifications, not necessarily in the same discipline, and they are loath to leave the city. They wish to spend time working in their own professions, and there may well be considerable limitations upon practising those various professions on moving to rural circumstances. They may find city life more attractive. Doctors are disaffected for a variety of reasons and, no doubt, income is one of them.

In those circumstances in which a GP does not get job satisfaction and when there is a perception that their place and status in the community is deteriorating and declining, it is natural for them to feel angry. Who do they feel angry about? It is always the Health Minister. That is just a fact of life. Whoever the unfortunate incumbent is at the time—whether it be John Cornwall, Jennifer Adamson, Brian Austin in Queensland, or now Mike Ahern in Queensland—if there is any degree of anger the first person to be the scapegoat is the Health Minister.

I am rather sad about that. I am very anxious. I want to make it clear, and I have always tried to make it clear with a great majority of GPs and consultants in this State ever since I have been Minister of Health, that I have wanted to foster them. The one thing I discovered early is that one cannot run a comprehensive health service without doctors. Anyone out there in the profession or anyone with an overall impression that I think that doctor knocking is some sort of hobby or sport has really got the wrong end of the stick. I am very pleased to put that on record.

Also, let me indicate before I leave that subject the enormous gulf that continues to develop between successful specialists and consultants (I will not name the specialties, we all know what they are), where specialists are earning net (I stress that) incomes between $150 000 and $250 000, yet we have GPs working 10 to 12 hours a day, 60 to 80 hour weeks for net incomes around $35 000. It is little wonder that they feel unloved. It is for that reason that I intend, with the cooperation of the AMA and general practitioners, to conduct a comprehensive survey (possibly even a three part survey) in the near future.

With regard to the actual remuneration package, I do not see the prospect of any change in the immediate future. The current procedure is, first, that the package is negotiated between the AMA (South Australian Division) and the South Australian Health Commission and ratified by Cabinet. If there is any change in the package, it is renegotiated and ratified by Cabinet. That is the formal package as agreed, a modified fee for service, which is the way that we pay our doctors and specialists almost exclusively in non-metropolitan area hospitals.

Secondly, the commission advises hospitals of the agreement. Thirdly, the commission calls on the AMA to ask its members to sign some formal acknowledgment that that is the basis on which they have agreed to treat public patients in the country hospital system. That procedure is used now irrespective of whether or not a hospital is incorporated under the Health Commission Act. As I said, there are no proposals for change. So, the remuneration for the doctors at Booleroo Centre, the modified fee for service arrangement, is exactly the same as that for doctors at the Mount Gambier Hospital.

The Hon. R.I. Lucas interjecting:

The Hon. J.R. CORNWALL: I have already said that I feel an empathy with and a sympathy for GPs generally, particularly those in rural practice. This has been the subject of constructive discussion and negotiation. We are currently offering, for example, $4 000 a year, which is $1 000 a week for four weeks, for locum services in single doctor practices or where there are husband and wife practices, to name one thing. We do pay some travelling allowances in certain circumstances. There is no distinction at all between incorporated and unincorporated hospitals in reaching those agreements. Once they have been struck as an arrangement with the AMA they apply to any doctor who has clinical privileges in any non-metropolitan hospital in the State.

Let me stress again that I would hope that, as a result of that survey—when it is completed—we will have a better idea of how we can act to remedy some deficiencies that have clearly developed by default rather than by design, particularly in general practice.

The amendment to this clause arises out of an express concern that there is no appeal mechanism where a board has been dismissed. Quite clearly, the existing provisions are unworkable. This matter was raised with me by many people on my extensive tour of country hospitals shortly after I became Minister of Health. Ironically, one of the people who raised the issue with me was a fellow called Dale Baker, who was then—

The Hon. M.B. Cameron: With 25 years experience.

The Hon. J.R. CORNWALL: Yes, much of it bad. He is a very wealthy fellow, scion of a rich grazing family in the South-East, with a multiplicity of interests.

Amendment carried.

The Committee divided on the clause as amended:

Ayes (9)—The Hons G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons M.S. Feleppa and Barbara Wiese. Noes—The Hons L.H. Davis and C.M. Hill.

Majority of 1 for the Ayes.

Clause as amended thus passsed.

Clauses 31 to 34 passed.

Clause 35—'Insertion of third schedule.'

The Hon. M.B. CAMERON: The Opposition opposes this clause. It is necessary to take it out in order to give at least some breathing space to country hospitals before they find themselves incorporated by regulation—something that did not exist before this Bill emerged. It is necessary, and I am pleased that the Hon. Mr Elliott has agreed to this step, although he has let down people in country areas in another way. I will speak on that shortly.

The Hon. M.J. ELLIOTT: I had on file an identical amendment in my name. I therefore also support the deletion of the clause. With the Government's original intention, all hospitals within 12 months would have been incorporated either voluntarily or compulsorily.

The Hon. Peter Dunn interjecting:

The Hon. M.J. ELLIOTT: That is what the Government would have done.

The Hon. Peter Dunn: You said they will be.

The Hon. M.J. ELLIOTT: No, I didn't.

The Hon. Peter Dunn: You said your amendment and the Act did exactly the same thing?

The Hon. M.J. ELLIOTT: Without the deletion of the schedule and with earlier amendments that were made, the Government would have had all those hospitals incorporated within 12 months. I will put this on the record so

that it is clear: I do not have any intention of supporting the compulsory incorporation of any of these hospitals, either.

The Hon. M.B. Cameron: If you aren't going to agree to it why did you put it in?

The Hon. M.J. ELLIOTT: Because the earlier clauses related not only to the 30 hospitals but also to the incorporation of bodies into the Health Commission.

Members interjecting:

The Hon. M.J. ELLIOTT: Honourable members opposite have looked at the Bill and spotted this one schedule which has dominated their thinking about the whole Bill. They have seen one dead leaf on the tree and are convinced it is autumn. That one dead leaf does not mean that at all. Members have let their perspective get lost. Nevertheless, they are perfectly correct in wanting to delete the schedule, and I want to do it for exactly the same reasons, namely, that the hospitals are important to those communities. I want them to retain a say in those hospitals. It is up to the Minister to convince them of the merits of incorporation.

Clause negatived.

Clause 36 passed.

Clause 37—'Amendment of Transplantation and Anatomy Act 1983.'

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

Page 10:

Line 43—After "section 6" insert "and subsection (4) of section 24".

Line 44—After "substituting" insert ", in each case,".

This amendment is self-explanatory.

Amendment carried; clause as amended passed.

Title passed.

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

That this Bill be now read a third time.

The Hon. M.B. CAMERON (Leader of the Opposition): A few points have to be made at this stage. The Opposition is opposing the Bill at its third reading. It will not make any difference at all to the running of the health system of this State. I am afraid that we have not achieved what I believe should have been achieved in relation to the parts of the Bill that really count. The Hon. Mr Elliott, for some reason, has supported a move to take away the right of country hospitals to decide on their incorporation. Before the amendments were passed those country hospitals had the sole and absolute right to make that decision. What has happened—and the Hon. Mr Elliott cannot get away from this—is that this Bill, as it is coming out of Committee, grants power to do that to the Minister (to make the decision first) and then to the Parliament. That power has shifted.

Whether or not the Hon. Mr Elliott likes it, he has let down country people and country hospital boards because he has taken that power away from them. They could still make the decision, of course, but the sole power has gone from them and to this Council and, in coming to this Council, has come to him.

The Hon. R.I. Lucas: He has knifed them.

The Hon. M.B. CAMERON: That is exactly right. He has taken what I regard is traitorous action to country people, after all he has been saying about them, and that really makes me angry. I assure the Hon. Mr Elliott that it will make country people angry. I warned him about this before the debate started tonight but, as usual, he knows best. He is the arbiter and he has taken this step and, through clause 14 and clause 21, he has inserted matters that give this Council a power that it previously never had and never wanted. These clauses take away the sole right that country hospitals previously had.

The Hon. Mr Elliott then has the audacity to say, 'I will never support any forcible incorporation.' Why on earth did he put it in the Bill? Why was the clause inserted? Why did he not leave it as it was with the sole power in the hands of country hospitals and country people? He has sold out country interests by taking the action that he has, and he will have to answer for that to country people. It will be up to him to convince them otherwise. I assure members that country people will see through his semantics; they will see through what he has done.

We understand the Minister's direction in health because we have seen him at it for about four or five years now. So, people in the State recognise his dictatorial role within the system and his desire for it. The Hon. Mr Elliott has in fact supported a move that I regard as totally unacceptable and one that I am very surprised at in view of his purported support in the past for country people.

The Council divided on the third reading.

Ayes (9)—The Hons. G.L. Bruce, J.R. Cornwall (teller), T. Crothers, M.J. Elliott, I. Gilfillan, Carolyn Pickles, T.G. Roberts, C.J. Sumner, and G. Weatherill.

Noes (8)—The Hons. J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons M.S. Feleppa and Barbara Wiese. Noes—The Hons L.H. Davis and C.M. Hill.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

PLANNING ACT AMENDMENT BILL (No. 1) (1987)

Adjourned debate on second reading.

(Continued from 31 March. Page 3590.)

The Hon. DIANA LAIDLAW: It is my sincere hope that this is the last time for some years that I speak on section 56(1) *(a)* of the Planning Act. This Bill arises from the report of the select committee appointed last year to inquire into section 56 of the Planning Act and related matters. The report of that select committee and an accompanying Bill in draft form were tabled in this place on 17 March. When noting that report on the following day I highlighted the fact that the matter of development of existing use rights was an extremely complex one that attacked the patience and wit of members of the select committee for some months. Indeed, it has attacked the patience and wit of Parliament on quite a number of occasions—I think five or six over the past four years when the Government has moved to repeal section 56 (1) paragraphs *(a)* and *(b)* of the Act.

I also said that I believed that the select committee's report and accompanying Bill were constructive, logical and positive conclusions to a very vexed issue. Having outlined that background, I say strongly that I believe, considering the checkered history that this Bill has experienced in this Parliament and the complex nature of section 56, that the committee's efforts to resolve this matter in a way that was just and fair to all concerned should have been acknowledged and respected by the Government.

During the course of our deliberations we took copious evidence and submissions from a large number of individuals and organisations presenting a range of views. About the only thing that those views had in common was the intensity of feeling with which they were presented by those who spoke on the issue. Our conclusions and the seven recommendations were agreed to unanimously—and I stress

that they were agreed to unanimously. The outcome involved compromises on the part of all members in relation to the very firm views that each had expressed in this place over three or four years both for and against the repeal of section 56 (1) *(a)*.

The Bill was prepared by Parliamentary Counsel and approved by that source, and all members of the select committee were comfortable in the knowledge at the conclusion of that committee that it was acceptable to Parliamentary Counsel. After the report and accompanying Bill were tabled it was my understanding, and the understanding of other members of the committee, that the Bill would be presented to and accepted by Cabinet for introduction as a Government Bill. On this basis, together with my colleague on the committee, the Hon. Jamie Irwin, I was prepared to work to secure the support of the Opposition to enable the swift passage of the Bill before the end of this session.

My colleague and I gave that undertaking on the understanding that my Party had been totally opposed to the repeal of section 56 (1) *(a)* on all occasions on which it had been debated in this place, so that undertaking was not given lightly—that I would work to gain the support of my Party for the acceptance of the committee's draft Bill. However, we considered that that undertaking was an important and most desirable one because we did not wish to be party to an extension of the suspension of sections 56 (1) paragraphs *(a)* and *(b)*, both of which lapse on 30 May 1987.

For all the above reasons, I very strongly regret that the Government has seen fit to amend the select committee's draft Bill. I appreciate that it is the Government's prerogative to do so, but I consider that the initiative was both unnecessary and extremely unwise, in view of the circumstances that I outlined earlier. It is worth noting that the Government has not even bothered to extend to this Parliament the courtesy of providing an explanation in the second reading speech of the reasons why it has sought to introduce the Bill in this new form, as compared to the draft Bill that was accepted unamimously by the select committee.

The Hon. Peter Dunn: It makes a folly of the select committee.

The Hon. DIANA LAIDLAW: It does, and one assumes that the Government is just thumbing its nose at the considerable amount of time which all members put into preparing the draft Bill. The Attorney may nod his head but, as I indicated, members of the committee worked hard, from very differing positions, to come to a compromise, which compromise was agreed to unanimously. In addition, I have received no satisfactory explanation from any quarter to justify the amended wording and, I would submit, altered intentions, *apropos* that which was agreed unanimously by the select committee. Over the past week I have been assured that the Government's changes do not alter the intent of the draft Bill. However, as I have indicated, I do not accept that argument. I strongly question the wisdom of the Government's moves, and indeed I am angered by its actions.

In fact, I now consider that it would have been considerably wiser for the select committee to have agreed as a committee for a member to move the draft report as a private member. I do not take kindly to the amount of time that the Government has forced me, as well as other members who worked diligently on the select committee, to spend on this matter over the past week, which has been a busy parliamentary week.

Clause 3 replaces section 4a of the principal Act. Built into proposed new section 4a is the concept of a continuation of an existing use. In every other respect it is the same as existing section 4a. However, the provision differs from that contained in the committee's draft Bill. Proposed new section 4a (1) *(b)* omits the words that were in brackets 'not being the continuation of existing use'. I am advised that these words are now deemed to be unnecessary, because the provisions in proposed new subsection (1) are subject to proposed new subsection (2). I am prepared to accept that explanation for the alteration from what was contained in the committee's draft Bill, but I do so with some reluctance. That reluctance stems from the fact that one of the principal motivations of the select committee in preparing the draft Bill was to seek to ensure that the Bill was clear to those who used the Planning Act on a regular basis: people involved with local councils, ratepayers, and those who are seeking to develop land.

Perhaps we could be accused of being over cautious, but I remain firmly of the view that this very complex legislation should be prepared not simply with the lawyers and the courts in mind but, like all legislation, with the wider community in mind. That certainly was the select committee's goal. I repeat: we could be accused of being over cautious but in the circumstances I do not believe that that is a justified accusation. Clause 4 of the Bill replaces the final four subsections of section 41 of the principal Act and adds eight new subsections. Most refreshingly, I note that this clause does not vary in any way from the select committee's draft report.

[*Midnight*]

The select committee had concluded that the best way to deal with this issue of existing use rights in the future was to require councils in the preparation of their development plans to pay adequate consideration to the interests of the owners and occupiers of land who may wish to undertake development in the continuation of that existing use. We had, therefore, deemed it necessary that the Parliament through the Subordinate Legislation Committee should have the power to examine the supplementary development plans to determine whether such adequate consideration had been given to the interests of the owners and occupiers.

In relation to this clause, some concern has been expressed to me that the select committee itself had weakened the present provisions in the Act by the use of the words 'that the Minister may refer the plan to the Subordinate Legislation Committee' whereas in the present Act section 41 (13) requires that the supplementary plan shall not be referred to the Governor unless the plan has been referred to the Joint Committee on Subordinate Legislation. It is my advice, sought initially through the Hon. John Burdett (who is a member of that committee) and subsequently through other sources (including the Minister himself), that the select committee has not weakened that provision at all, and it must be read in such a way that none of the procedures in gazetting the changes incorporated in the supplementary development plan can be proceeded with until the Minister has referred that plan to the Subordinate Legislation Committee.

So, I put that on the record because that concern has been expressed to me by a number of people to whom I have referred this Bill. Clause 5 deals with appeals by applicants for a development, but only to the extent to which the development concerned is required under the provision of some other Act. The select committee had recommended the same course but, in its draft Bill, used different terms to gain the same ends. I am entirely satisfied, in respect of this change from the committee's draft Bill, that the change in terminology is acceptable.

In clause 6 we come to the major problem. Clause 6 gets back to the question which has tested us for so many years, and that is to replace section 56 (1) *(a)*. This Bill, in replacing section 56 (1) *(a)*, also seeks to add two new sections to provide for a development to be undertaken in the continuation of an existing use. Subsections (1), (2) and (3) have all been varied in wording from the select committee's draft Bill, and I believe that, in the process, so has the intention.

As I indicated at the outset, I very much regret this action by the Government. Originally, it was my intention to fiddle around with the Bill as presented and seek to move some amendments, one of which would have been acceptable, in lines 37 and 38 to remove the words 'that may be necessary.' I understand that that would have been acceptable to the Government, but an earlier amendment would not.

It is now my view that, if the Government is prepared to accept this marvellous new wording about which it was so enthusiastic in the last instance compared to the months of deliberation on the part of the select committee, and if it is now prepared to amend its own draft to delete words that it concedes confuse the picture, then I become even more suspicious about the wording contained in proposed new section 56 (1). I consulted one source whom I respect and whose advice I sought, and I eventually checked this information with four other people who are involved on a daily basis as legal practitioners, but not one of them could see the point in adding the words 'unless the use itself continues or involves some form of use'. It was their unanimous view that the Government was being paranoid in its actions, and that it was seeking to extend and tighten up the intentions of the select committee. Having spoken to them, I became quite convinced that those words should be deleted, because they do not add any value to the proposed new section. They seek to alter, by devious means, the intentions of the select committee which worked for many months to develop a compromise on a very difficult position.

I noticed, when comparing the Government's Bill with the wording contained in the select committee's report, that the Government's Bill is rather negative in its approach to this whole issue of existing use rights and the continuation of existing uses. I suppose that that should not surprise us when it has been the Government's intention over many years to repeal this section.

The select committee chose its words and terminology carefully. It expressed its views in a far more positive manner and I regret to see this Bill expressed in this negative way. Rather than move amendments which would seek to alter the wording in this Bill, it is now my intention to move the original wording that was unanimously agreed by the select committee. Those words were drafted with the assistance of Parliamentary Counsel. On that select committee we were also privileged to have a research officer provided by the Government. It was my understanding that all those people who participated in the final report were satisfied with it. Since the tabling of that report, I have not been led to believe any different. I believe that the only way to deal with this vexed matter of existing use rights is to return to the original wording contained in the draft report of the select committee.

I will seek to move one further amendment which will seek to clarify a matter relating to proposed new section 56a (4). In clarifying the position, it merely notes that the amendments to the Bill or the development plan relate only to developments which prohibit or require consent to be obtained for a development of that kind. So, as I say, it is merely a matter of clarification, but nowhere near the substance of the earlier amendments that I moved (which I again confirm). As I have emphasised throughout my contribution, the amendments were unanimously accepted by the select committee after much careful thought, analysis and consideration and, as I indicated, compromise by members who on many occasions previously had held very fixed views on the subject. I support the second reading.

The Hon. M.J. ELLIOTT: I will be very brief. I think the important issues in this Bill already have been covered, particularly in relation to section 56, and more than adequately addressed in the select committee report. I entirely concur with the select committee report, so I will not take up any more of the Council's time on that matter. I have concerns similar to those of the Hon. Diana Laidlaw in relation to the fact that the select committee sat for some months and came up with recommendations for legislation, only to find that the Government has come up with clauses which are different. Not only that, but the Government has given no reasons for the change. I would find that quite acceptable if the select committee had overlooked something or if there was something in the drafting which meant that there was a loophole.

The Hon. Diana Laidlaw: Or some error.

The Hon. M.J. ELLIOTT: Yes, or some sort of error, or something that we had not picked up. Everyone can make a mistake—even select committees. However, I have not heard any explanation as to why the change was necessary. I think the next important point is that the ideas involved in this area of the legislation are extremely complex. It really took the committee a long time to reach an agreed position and, more importantly I suppose, to agree on what drafting would ensure that our agreed position was covered. The Bill has been drafted in an alternative form, which creates some problems for me because some people say that the Bill's intent and what it will do are identical and other people say that it will not achieve exactly the same end result.

In the hurly burly of the past couple of weeks I have not really had time to sufficiently address myself to what the Government now puts forward to be convinced that it will do what the committee originally intended. As I was quite happy and had no problems with what the committee intended, I will support the amendments foreshadowed by the Hon. Diana Laidlaw. The Hon. Diana Laidlaw has illustrated the point that committees can overlook things, and I believe that she has a minor amendment which is obviously sensible and I will support it. I support the second reading of the Bill.

The Hon. J.C. IRWIN: I have already spoken to the select committee report on section 56 of the Planning Act 1982 and related matters, so I do not intend to cover that ground again. The issues have been well recorded in the debate on the select committee's report. However, I support the comments of my colleague and fellow select committee member the Hon. Diana Laidlaw and the Hon. Mr Elliott in relation to the Bill.

A particular difficulty has been getting the agreed wishes of the select committee reflected properly in legislative words which form amendments to the Planning Act. The Hon. Diana Laidlaw has adequately covered the various amendments proposed, and I will not go over that course, either.

Only time will judge the Parliament and the Government on how well it has done its work. Our work as a select committee will be judged. The point that I am at now is critical. This is the first time that I really feel a responsibility for doing a job properly and thoroughly. I feel responsible for taking evidence, for accepting a written report and for

trying to get the intentions of the recommendations into legislative form. That is not to say that the actions that I have taken in this place on other matters have not received proper or serious attention.

As the Council knows, this is the third draft of the legislative form of amendments and it has been foreshadowed that more amendments will be moved before the Bill is passed. I do not accept that what happens with Bills brought before this Chamber almost every day is a good thing. I have not been able to avoid observing, over the last 12 months or so, that Bills have been rushed into this place followed by reams of amendments to be moved by Ministers. The Retirement Villages Bill is a good example of that. A draft of the Bill was placed on public display. Reams of amendments were put, were accepted in total and were printed with the second draft of the Bill. I now notice on my pile of papers here another ream of amendments to that Bill.

I put it to the Council that this is as a result of sloppy drafting instructions or very little or no consultation, or a combination of both. I do not reflect on or refer to amendments moved by members of both Opposition Parties because such amendments are generally moved for two very good reasons: one to attempt to make changes based on philosophical difference, and the other to pick up drafting problems. Of course, there are consequential amendments. However, it is not good enough to rush a Bill in here and expect the Council to take hours of sitting time trying to get it into the shape that is acceptable, not to mention the effect that the Bills eventually have on the public when they are passed by both Houses.

As I have said previously, with respect to this planning Bill, I will not be happy if this Bill does not reflect what the report indicated should be done and the procedure in getting it to this stage. There should be a common desire to get it right and there is no excuse for us not getting it right. I must say on behalf of all members of the select committee (and this has been expressed by others) that there was a common desire to get it right. It is easy enough for others and me to say, 'We have done our job with the report publication. It is up to the Government to introduce the amendments and wear any of the flak.' That is a silly argument for those of us who want to see a job done properly and who want to save much heartache and financial expenditure when the actions of the Parliament are tested by the courts.

It is accurate to say that the report of the select committee was unanimous. Whatever stance members had on going into the committee, we came out with agreement and a reasonable amount of compromise. Over the last few years section 56 watchers would be able to tell who did the compromising, to what extent or degree, and in which areas. I would have preferred that the select committee did not have to work to the well-known deadlines of 15 April (maybe the end of this session), the fact that the suspension of section 56 ends in May, and the fact that Parliament will not sit again until July or August. Given the first two deadlines, it becomes obvious that this Bill must go through before the Parliament finishes at the end of next week.

I would prefer that any comments on the drafting of the select committee's recommendations be considered again by a select committee so that everyone can be sure that, to the best of their ability, legislation to go before Parliament accurately reflects the intent of the select committee as spelt out in its report.

There seems to be absolutely no evidence to suggest (and I am not making any suggestion) that anyone is trying to undermine the committee's report. It is just that we are having some differences on the wording, which is complicated in some areas. As I mentioned in my speech on the select committee's report, none of the committee members were lawyers or planning experts in the field. We therefore had to take the advice that was given to us by experienced people who came before the committee only once. We did not have the chance (I guess many other select committees do not have the chance, either) to reappraise some of the work with experts once it has got to a certain stage.

Of course, the correct or improved position may well come out in the due process of the debate in this Council and in another place. I refer of course, to the time honoured process of three readings of a Bill in both Houses. That process has stood Parliaments around the world in good stead, and it is a very good fall back position for any committee such as ours to have. I merely suggest it is a pity that we have to test all those processes late at night when we had the chance and the desire to get them totally right in the first place.

I am quite happy to abide by the well established behaviour of select committee members who have been part of a unanimous report. By that, I understand that the well established code is that members of committees who have participated in a unanimous report do not then rush around trying to amend their own report. However, it is obvious from what the Hon. Ms Laidlaw and others have said that there is some necessity to go over that to some extent because of actions taken following the publication of the report.

I am happy with what the Hon. Ms Laidlaw said about the section 56 amendment, namely, that we will go back to the provision accepted by the committee. I am happy to do that, but it is obvious that there has been a constraint on select committee members by getting outside advice, as I mentioned earlier, to see whether the legislation that we are proposing is right.

Having said that, I am happy to support the Bill. I hope that it leaves Parliament as a good Bill. The amendments allow the Planning Act to play its proper place in the development and orderly living of people in this State. I am happy to support the second reading.

The Hon. J.R. CORNWALL (Minister of Health): Section 56 (1) *(a)* is in the best traditions causing us problems right to the bitter end. I have been responsible for handling various Bills in this Council on behalf of the Minister for Environment and Planning in this place for about 4½ years. This section has been on recycle about twice a year throughout that period. Although I was not on the select committee, it is my understanding that its members were constructive and unanimous in their recommendations, and it seemed that goodwill and commonsense was going to prevail.

In the event, something has gone wrong along the way. It is not very productive to start trying to apportion blame to anyone. Obviously, the Minister believes that he has acted in good faith. The drafting instructions were obviously meant to follow the recommendations of the select committee. I do not believe that there was any intention whatever to depart from them—so much so that, as the Hon. Ms Laidlaw rightly pointed out, the second reading speech comprised about four or five lines which stated that the Bill picked up the recommendations of the committee. That should have been an end to it.

However, there now appears to be considerable disputation between at least some members of the committee, the Minister (who, I suggest, is an innocent party in the matter) and the architects of the actual wording of the Bill, namely, Parliamentary Counsel.

I will not pass any sort of judgment; I am not competent to do so. However, my advice is completely conflicting. I am told, for example, with respect to the first amendment that Miss Laidlaw placed on file to lines 35 and 36, first, that 'the amendment needs to be strenuously opposed because it is contrary to the select committee report. But another source of advice stated:

The amendment to lines 35 and 36 must not be agreed to on any account. The effect of this amendment would be to provide that the Planning Act does not apply to development carried out in the course of the continued use of the land.

My further advice would be that it is a 180 degree turn, and that it is entirely the opposite of what I believe was intended. Faced with all this conflicting evidence, and having quite enough on my own plate at this hour of the morning, I am convinced that the sensible thing to do, having had discussions with the Hon. Miss Laidlaw and the Hon. Mr Elliott in particular, would be to let the numbers prevail in this place and get the Bill out in whatever form, amended or otherwise. We could then set up either informal processes of consultation with the Minister for Environment and Planning or, if we are not able to resolve the matter in that way, eventually establish a conference of managers of the two Houses.

I am entirely optimistic that goodwill and commonsense can prevail. There was no disagreement, as I said, by members of the select committee, nor was there any demur from the Minister or his advisers. I regret that something has gone wrong along the way. The sooner we get the Bill back on the track, the better, and we should get it out of this place, amended or otherwise, as quickly as possible. It can be fixed up down yonder.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Repeal of s.56 and substitution of new section.'

The Hon. DIANA LAIDLAW: I move:

Page 3, lines 33 to 44, and page 4, lines 1 and 2—Leave out section 56 and insert new section as follows:

56. (1) Division I does not prevent or otherwise affect the continuation of an existing use of land but, subject to subsection (2), a person is not entitled to underake development for the purpose of the continuation of an existing use of land contrary to that division.

(2) The consent of a planning authority is not required under division I in relation to development of a prescribed kind undertaken for the purpose of the continuation of an existing use of land.

(3) Subject to subsection (4), planning authorisation is not required under division I in relation to a use of land declared by regulation to constitute development in a case where the use constitutes the continuation of an existing use of the land.

(4) Where a use referred to in subsection (3) involves an act or activity that constitutes development in its own right, planning authorisation is (subject to this Act) required under division I in relation to that act or activity.

I do not intend to move the amendments that were circulated in my name on 1 April. Perhaps it is significant that they were circulated on that day, with all its connotations, when one considers the Planning Act. As I said in the second reading stage, the amendments are exactly the same as those approved by the select committee, and the members of that select committee were unanimous in their conclusions and support for this Bill.

The Hon. J.R. CORNWALL: I have already indicated that my clear instruction is to oppose the amendments, but I do so with no rancour whatsoever. I have never felt more relaxed in my life. I simply use this as a device to get the parties together and to get the Minister for Environment and Planning involved as quickly as possible so, whether formally or informally, this matter can be resolved between the two Houses. I will not be dividing. I do not have the numbers and I am not absolutely convinced that I have the logic on this occasion.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 4, lines 25 to 28—

Leave out paragraph *(b)* and insert the following paragraph:

(b) on the date on which an amendment to this Act takes effect or an amendment to the development plan that prohibits, or requires consent to be obtained for, a development of that kind takes effect, all the required consents, approvals and authorisations had been obtained but the activity or development had not been commenced.

That clarifies the situation.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL

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

BILLS OF SALE ACT AMENDMENT BILL

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

CARRICK HILL

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this Council resolve to approve, in accordance with the requirements of section 13(5) of the Carrick Hill Trust Act 1985, the sale by Carrick Hill Trust of that portion of land comprised in Certificate Title Register Book Volume 2500 Folio 57 that is marked 'A' and shaded in red on the plan laid before this House on 2 April 1987.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

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

PITJANTJATJARA LAND RIGHTS ACT AMENDMENT BILL

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 view of the extreme lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

When the Pitjantjatjara Land Rights Act was passed in 1981 it was regarded as a unique piece of legislation. It introduced new concepts of land holding and control for the benefit of traditional Aboriginal people, and followed

intensive negotiations with the Aboriginal people and other interested parties.

With the passage of time it has become apparent that some amendments to the Act are appropriate to improve certain aspects of the administration and operation of the Act, both from the point of view of Anangu Pitjantjatjara (A.P.) and of other agencies involved with the Lands.

As a result of discussions with Anangu Pitjantjatjara and other interested parties certain amendments have been prepared which predominantly do not change the general principles of the Act but which do make the Act more effective.

Some of these amendments relate to the freehold nature of the land and the need to deal with matters related to entry onto and conditions of such entry. In addition, matters relating to the status of the land as a public place for the purposes of other Acts has created some difficulty. The issue of 'public places' has been investigated by the Government. The Crown Solicitor has advised that the access provisions found in sections 19 and 20 of the Act may well result in it being the case that roads and other public places are not 'roads' or 'public places' as these terms are used in the Road Traffic Act, the Motor Vehicles Act or the Summary Offences Act. The consequences of this are both substantial and undesirable, especially where the use of motor vehicles is concerned. For example, it is not necessary for a driver on the Lands to hold a driver's licence, obey any speed limits or other traffic laws, or drive a vehicle with respect to which a third party policy applies. A new section 42 *(a)* therefore provides that the Motor Vehicles Act and the Road Traffic Act are applicable to the Lands.

Special provisions are also made in relation to motor vehicle accidents on a road on the Lands and the right of a person to bring proceedings against a Nominal Defendant since the commencment of the Principal act. This provision will apply for six months from the commencement of this Act.

Anangu Pitjantjatjara has put forward several amendments to the mining provisions in the Act with which this Government has concurred. These refer to the right of Anangu Pitjantjatjara to seek reimbursement of costs from mining companies where Anangu Pitjantjatjara is required to negotiate on mining applications. In particular, it has been requested that the costs of negotiations with mining companies be paid by those mining companies. This is considered to be a reasonable requirement so long as the legislation prevents claims for costs of expenses which have been incurred unnecessarily or which are exorbitant. Anangu Pitjantjatjara should have the ability when negotiating with mining companies to obtain advice from solicitors, anthropologists and other advisers. As the negotiations are undertaken at the request of the applicant companies, it is considered appropriate that they meet the costs. These costs will be set off against any further compensation that the applicant pays under the Act.

Anangu Pitjantjatjara has also requested higher penalties relating to the supply of alcohol on the Lands. The regulations control this matter but it is appropriate that increased penalties for the unauthorized sale of of alcohol on the Lands be specified by the Act. Furthermore, a request has been made that vehicles used in the illicit supply of alcohol on the Lands be liable to forfeiture. Given the strength of these representations and the seriousness of the issue a provision has been included that will empower members of the police force (or authorized special constables) to seize these vehicles and will allow a magistrate to order forfeiture to the Crown. Obviously, these provisions will not affect authorized sales of alcohol to people at Granite Downs Station or Mintabie.

Anangu Pitjantjatjara have also requested that the word 'Pitjantjatjaraku' throughout the Act be changed to 'Pitjantjatjara'. The letters 'ku' at the end of the word symbolize 'possession'. The definition 'Pitjantjatjara' in section 4 of the Act refers to 'a member of the Pitjantjatjara, Yungkutatjara or Ngaanatjara people' and the use of the possessive 'ku' after 'Pitjantjatjara' is therefore inappropriate.

Finally, as honourable members will be aware, this Bill was considered by a select committee of the House of Assembly. Several amendments were discussed, and finally inserted in the Bill, in a bipartisan approach to the passage of this legislation. The amendments included provision for a Parliamentary Committee of the Lower House, provisions relating to 'petrol sniffing' and the introduction of by-law making powers for Anangu Pitjantjatjara. The result is that this Bill contains a comprehensive set of amendments that should enhance considerably the operation of the Act and the successful management of the lands by its traditional owners.

Clause 1 is formal.

Clause 2 is a commencement provision.

Clause 3 changes references in the Act to 'Pitjantjatjaraku' so that they will become 'Pitjantjatjara'.

Clause 4 inserts new paragraph *(j)* in section 6 (2) of the principal Act. This paragraph expressly provides that Anangu Pitjantjatjara has the power to take such steps as may be necessary or expedient for, or incidental to, the performance of its functions.

Clause 5 amends section 19 of the principal Act in three respects. Firstly, provision is made for group permit applications. Secondly, an offence is created if a person contravenes or fails to comply with a condition of entry onto the lands. Thirdly, it is expressly provided that a person who is only allowed to enter upon part of the lands is guilty of an offence if he or she enters another part of the lands without the appropriate permission.

Clause 6 amends section 20 of the principal Act in three respects. Firstly, it is expressly provided that a person who has received permission to carry out mining operation on a part of the lands is guilty of an offence if he or she carries out mining operations on another part of the lands without the appropriate permission. Secondly, provision is made so that Anangu Pitjantjatjara can recover the reasonable costs and expenses of dealing with an application under the section. Thirdly, provision is made for an award of costs in favour of Anangu Pitjantjatjara on an arbitration. (Similar provision is made in the Maralinga Tjarutja Land Rights Act).

Clause 7 amends section 21 of the principal Act to rationalise subsections (4), (5) and (6). The new provision is intended to clarify the position of payments in relation to mining operations.

Clause 8 amends section 23 of the principal Act in recognition of the fact that not all payments need be subject to Ministerial approval.

Clause 9 corrects the printing of an incorrect word in section 24.

Clause 10 inserts four sections after section 42 of the principal Act. New section 42a confers upon places that would, but for the existing provisions of the Act, be public places, the status of public places. Express reference is made to the Road Traffic Act, 1961, and the Motor Vehicles Act, 1959. New section 42b relates to the issue of the application of regulations relating to overstocking on the lands. The provision will allow any such regulations made under the Pastoral Act, 1936, to apply similarly to stock on the lands. New section 42c provides for a Parliamentary Committee

of the Lower House and new section 42d is intended to assist in eradicating petrol sniffing on the lands.

Clause 11 provides for the amendment of section 43 of the principal Act. The government has at the request of Anangu Pitjantjatjara, included a provision that will allow a magistrate in certain circumstances to order the confiscation of vehicles used in the illicit supply of alcohol to people on the lands. By-law making powers are also to be conferred on Anangu Pitjantjatjara in prescribed areas. Certain penalties are also revised and provided for in the Bill.

Clause 12 makes special provision relating to motor vehicle accidents on the lands. The provision will allow proceedings to be commenced in relation to personal injury claims against the nominal defendant notwithstanding that the relevant provisions of the Motor Vehicles Act, 1959, have not been applying to the lands. (The provision will allow proceedings to be commenced during the period of 6 months from the commencement of this measure).

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

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

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.

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

Leave granted.

Explanation of Bill

The purpose of this Bill is to incorporate into this State's legislation annexes I and II of the International Maritime Organisation's International Convention for the Prevention of Pollution from Ships 1973 (commonly referred to as MARPOL), to repeal the Prevention of Pollution of Waters by Oil Act 1961, and to provide for continuity of provisions in that Act which are not superseded by MARPOL.

The Prevention of Pollution of Waters by Oil Act 1961 provides for, amongst other things, certain matters arising out of the International Convention for the Prevention of the Pollution of the Sea by Oil 1954. This Convention has now been superseded by MARPOL, which comprises five annexes. Annex I—Regulations for the Prevention of Pollution by Oil—and annex II—Regulations for the Control of Pollution by Noxious Liquid Substances in bulk—are compulsory for adopting countries, and the Commonwealth has incorporated these provisions in the Protection of the Sea (Prevention of Pollution from Ships) Act 1983. This Act also provides that its provisions will apply to State waters pending introduction of State legislation.

The Australian Transport Advisory Council has agreed that all States should take early action to incorporate annexes I and II of the Convention into their respective State legislation, using as a basis, the model Bill prepared under the auspices of the Standing Committee of Attorneys-General. Victoria and Western Australia have already done so.

The Bill incorporates annexes I and II, apart from the ship construction provisions which more appropriately fall within the ambit of the Marine Act. These latter provisions are included in the Marine Act Amendment Bill, 1987, which supplements this Bill.

This Bill also incorporates those provisions of the Prevention of Pollution of Waters by Oil Act 1961 which are not superseded by MARPOL. These provisions relate to discharges occurring other than from ships, removal and prevention of pollution and recovery of costs, and other matters.

This Bill accordingly ensures that State authorities will be able to administer the MARPOL requirements as they apply to this State. It enables laws of a uniform nature to apply to ships using our ports and has been developed to provide that the provisions that have been applying to State waters are replaced by new legislation that reflects the enormous growth in the maritime transport of oil and the size of tankers, the increasing amount of chemicals being carried at sea and the growing concern for the environment.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 sets out the definitions of a number of terms used in the Act and also provides that terms used in the Act and in the Convention have ther same meaning (being the meaning applicable under the Convention).

Clause 4 provides that the Act binds the Crown.

Clause 5 provides that the Act is in addition to and not in derogation of any other law of the State.

Clause 6 provides for delegations under the Act.

Clause 7 is a further interpretative provision.

Clause 8 provides that the discharge of oil or an oily mixture from a ship into State waters is to be an offence. An offence does not occur if the discharge is for safety reasons, occurs as a result of unintentional damage to the ship or, in the case of an oily mixture, is for the purpose of combating specific pollution incidents. In accordance with the Convention, there are also other disharges from oil tankers or ships that do not constitute offences.

Clause 9 provides for the non-retention on board the ship of certain oil residues to be an offence and also provides for the manner of discharge of oil residues from a ship to a shore reception facility.

Clause 10 requires the master of a ship to give notification of a discharge of oil or an oily mixture. Provision is made where the master is unable to give a notification or the ship has been abandoned. Reports on a discharge may be required and may be admitted in evidence for a later prosecution.

Clause 11 provides for certain ships to have oil record books, and for the manner in which and the time within which entries must be made in the book.

Clause 12 makes it an offence for false or misleading entries to be made in an oil record book.

Clause 13 provides for the retention and inspection of oil record books.

Clause 14 sets out the definitions required for Part III, of the Bill, dealing with pollution by noxious substances.

Clause 15 provides for the application of Part II and Part III where a mixture contains oil and a liquid substance.

Clause 16 provides for the regulations to declare categories of noxious liquid substances.

Clause 17 provides for the regulations to declare Appendix III substances.

Clause 18 makes it an offence for bulk liquid substances to be discharged from a ship into State waters. Again, an offence does not occur if the discharge is for safety reasons, occurs as a result of unintentional damage to a ship or is for the purpose of combating specific pollution incidents. Other categories of discharges also do not constitute offences if performed in accordance with the Act.

Clause 19 provides that certain liquid substances are to be treated as oil and subject to Part II.

Clause 20 makes it an offence to fail to report a discharge of a liquid substance.

Clause 21 provides for trading ships proceeding on intra-state voyages and carrying liquid substances in bulk to have cargo record books.

Clause 22 makes it an offence for false or misleading entries to be made in a cargo record book.

Clause 23 provides for the retention and inspection of cargo record books.

Clause 24 provides for regulations to be made in relation to Regulation 8 of annex II (relating to cleaning of tanks).

Clause 25 is an interpretative provision required for the purposes of Part IV.

Clause 26 makes it an offence to discharge oil or an oily mixture into State waters from a vehicle or apparatus. Various defences are provided.

Clause 27 provides for the notification of a discharge and the provision of reports.

Clause 28 is similar to provisions contained in the Prevention of Pollution of Waters by Oil Act, 1961, and makes provision for action to be taken to combat pollution from discharges.

Clause 29 allows the Minister to recover costs and expenses reasonably incurred in taking action under the Division.

Clause 30 provides that costs recovered by the Minister are, until paid, a charge against the ship, vehicle or apparatus from which the discharge occurred.

Clause 31 provides a right of recovery where a person has expended money or paid for the Minister's costs and expenses in relation to a discharge that was caused by another person or arose from another person's neglect.

Clause 32 provides for the manner in which notices may be served under the Division.

Clause 33 sets out the powers of an inspector under the Act.

Clause 34 empowers the Minister to establish, or arrange for the provision of, oil reception facilities.

Clause 35 controls the transfer of oil between sunset and sunrise.

Clause 36 provides for prosecutions for an offence to be brought at any time.

Clause 37 provides for the service of summonses.

Clause 38 is an evidentiary provision.

Clause 39 provides for the Minister to appoint qualified persons to be analysts for the purposes of the Act and for certificates of analysts to be received in evidence.

Clause 40 provides for no liability to attach to an inspector.

Clause 41 provides for the making of regulations.

Clause 42 provides that orders made in pursuance of the regulations are subject to disallowance by Parliament.

Clause 43 provides that the regulations or orders may prescribe matters by reference to other instruments.

Clause 44 provides for the repeal of the Prevention of Pollution of Waters by Oil Act, 1961.

The schedules contain the Convention and related materials.

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

MARINE ACT AMENDMENT BILL

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.

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

Leave granted.

Explanation of Bill

This Bill seeks to incorporate into the Marine Act, the ship construction provisions contained in annexes I and II of the International Maritime Organisation's International Convention for the Prevention of Pollution from Ships 1973, commonly referred to as MARPOL.

This Bill supplements the Pollutioon of Waters by Oil and Noxious Substances Bill, 1987, which incorporates the majority of the provisions of annexes I and II of the MARPOL Convention.

The ship construction provisions more appropriately fall within the ambit of the Marine Act than the proposed Pollution of Waters by Oil and Noxious Substances Act.

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 makes consequential amendments to the Arrangement provision of the principal Act.

Clause 4 provides for a new Part VA to the Act relating to International Conventions. The new provisions being inserted by this Bill relate to the application of the International Convention for the Prevention of Pollution from Ships 1973. New section 125a sets out various definitions required for the new Part. The Part is to apply to trading ships that proceed on intra-state voyages, Australian fishing vessels and pleasure vessels. New section 125b is an interpretative provision. New section 125c provides that the regulations may make provision for giving effect to certain regulations of annex I of the Convention. Ministerial orders made pursuant to those regulations are to be subject to Parliamentary disallowance. New section 125d provides for the issue of ship construction certificates. Subsections (1) to (4) of section 125e provide for notice to be given where the construction of a ship, in respect of which a certificate is issued, is altered or where the ship is damaged. Subsections (5) to (7) provide for the cancellation of certificates. New section 125f provides for ships, in respect of which a ship construction certificate is issued, to be surveyed periodically. Section 125g provides that certain ships may not begin a voyage unless a ship construction certificate is in force for that ship.

New section 125h relates to the use of expressions used in the Convention relating to noxious liquid substances. New section 125i provides that regulations may make provision for giving effect to regulation 13 of annex II of the Convention; Ministerial orders may again be made. New section 125j provides for the issue of chemical tanker construction certificates. Section 125k provides for notices to be given when the construction of a ship is altered or the ship is damaged and the cancellation of chemical tanker construction certificates in certain circumstances.

Section 125l requires ships, in respect of which a certificate is issued, to be surveyed periodically. Section 125m provides for certain ships not to begin a voyage unless there is in force in respect of the ship a chemical tanker construction certificate. Section 125n provides for the making of regulations.

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

SUBORDINATE LEGISLATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PUBLIC AND ENVIRONMENTAL HEALTH BILL

Returned from the House of Assembly with an amendment.

STATUTES AMENDMENT (PUBLIC AND ENVIRONMENTAL HEALTH) BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 12.45 a.m. the Council adjourned until Thursday 9 April at 11 a.m.