## HOUSE OF ASSEMBLY

Wednesday 9 May 1984

**The SPEAKER (Hon. T.M. McRae)** took the Chair at 11.45 a.m. and read prayers.

### PETITION: DONATIONS

A petition signed by 26 residents of South Australia praying that the House ensure that members are prepared to publicly declare organisations to which they are making donations, and how much is paid to each organisation, was presented by Mr Ashenden.

Petition received.

### PETITION: HANDICAPPED PERSONS

A petition signed by 24 residents of South Australia praying that the House establish a Select Committee to investigate the introduction of a Government subsidised transport scheme for severely handicapped persons was presented by Mr Ashenden.

Petition received.

### PETITION: TEACHERS

A petition signed by eight members of the school community of Koolunga Primary School praying that the House urge the Government to convert all contract teaching positions to permanent positions; establish a permanent pool of relieving staff; improve the conditions of contract teachers; and improve the rights and conditions of permanent teachers placed in temporary vacancies was presented by Mr Olsen.

Petition received.

### LIBRARY COMMITTEE

**The Hon. J.D. WRIGHT (Deputy Premier):** I move:

That Ms Lenehan be appointed to the Library Committee to fill the vacancy caused by the resignation of Mr Mayes.

Motion carried.

## QUESTION TIME

### POLICE POWER

**Mr OLSEN:** Does the Deputy Premier have any evidence to support the public statement made last night by the member for Elizabeth that abuses of police power are becoming increasingly common? Last night, the member for Elizabeth spoke at the launching by the South Australian Council of Civil Liberties of a booklet, which gives advice to people on what they should do if they are arrested. The honourable member is quoted as having said that apparent intentional abuses of police power are becoming increasingly common and that there is a blatant disregard for the rights of citizens to attend to their own affairs free from official harassment.

Indeed, this is not the first time that the member has attacked the Police Force. In a statement published on the front page of the *News* of 8 October 1981 the honourable member alleged that corrupt South Australian police officers had taken bribes, sold drugs, and framed people. At a special ALP Convention in 1981, the member called for a public inquiry into the management, control, and effectiveness of the Police Force. The honourable member's attitude is in conflict with that of the Deputy Premier, and is not supported—

**The SPEAKER:** Order! Clearly, the honourable member is now debating the matter.

**Mr OLSEN:** Mr Speaker, in the *Advertiser* of 2 March this year the Deputy Premier is quoted as having said about a strategic plan developed by the Police Force:

It will further enhance the effectiveness of the S.A. Police Department, which already enjoys an outstanding reputation in the community.

Figures in annual reports by successive police commissioners also indicate a declining number of public complaints against the police. The highest number during the past 10 years was 329 in 1977-78; the average annual number during the past 10 years was 291; and the number for 1982-83 was 286. None of these facts support what the member for Elizabeth has said, and the Government owes it to the Police Force to disclaim his statement.

**The Hon. J.D. WRIGHT:** I have no such evidence. The member in question was not speaking on behalf of the Government but on behalf of himself. If he has any real, strong evidence, and I am not talking about allegations, he should give it to me. There has been in my short period as the Minister responsible three or four allegations concerning this matter. One or two of them are still pending and awaiting the official results, and I have been advised that the other two, after investigation by the Commissioner of Police, were unfounded.

### DISABLED PERSONS' PARKING

**Mrs APPLEBY:** Will the Minister of Local Government consider amending the Private Parking Act, 1965, in relation to disabled persons parking in regional shopping centre parking areas? As I have the largest regional shopping centre in my district, I receive a continual number of complaints from disabled persons who have difficulty in using parking spaces provided at strategic places around the car park at the centre. It has been put to me that disabled persons driving around waiting for a park to become available have witnessed able bodied persons using the specially provided spaces, as they are situated close to centre entrances. I would like to refer to a reply to my recent request to the centre management of the regional centre on this matter. It states:

I am aware of the problems encountered by handicapped persons whilst shopping at Westfield Shoppingtown Marion: unfortunately, however, we only have the Private Parking Act of 1965 at our disposal, that has a fine of $20 should we prosecute the offender(s), and it is my understanding that handicapped parking is not covered under that Act.

The only course of action we have are signs, that is handicapped parking symbols, speaking to offenders when caught, by myself or my staff (and usually receiving strong abuse from people from all walks of life).

Should the Government change the Act to incorporate a special fine for that kind of abuse, with the Police being able to charge offenders, the problem could be on the way of being solved.

The next section of the letter explains that the management will not go against its responsibilities and will endeavour to provide more policing of the situation, but its hands are basically tied.

**The Hon. G.F. KENEALLY:** The honourable member raises a matter of great interest and concern. Since the member started to explain her question, I have had two comments from my colleagues that they are well aware of this practice occurring, and that they have received numerous similar complaints. As Minister, I certainly cannot condone able bodied persons using parking spaces that have been specifically provided for handicapped people, and I do not

think that anyone could condone that action. As I am not aware of the provisions of the Act in relation to parking, I will have the matter studied. I assure the honourable member that, whatever powers there are to ensure that disabled persons have access to parking spaces provided for them, those rights will be maintained. But, this matter will be urgently reviewed. I will report to the honourable member either by letter or personally, because obviously the House will be in recess.

## MINISTER OF HEALTH

**The Hon. E.R. GOLDSWORTHY:** Has the Premier received a complaint about the the behaviour of the Minister of Health at one of South Australia's most important tourist locations and, if so, what action does he intend to take? The Opposition has received from members of the public three separate complaints about the Minister of Health's behaviour at the Wilpena Pound Motel, in the Flinders Ranges, on Saturday 28 April. They have come from a chartered accountant, who lives at Port Lincoln, a couple from Sydney, and a woman from Melbourne, who were all guests at the motel at the time. I understand that the Port Lincoln man has also written to the Premier about the matter.

It relates to behaviour in a public place in a major tourist attraction of this State. It was not the behaviour of a private individual, because those who were offended by it have said that throughout the incident Dr Cornwall referred to himself as the Minister of Health. The person who has complained to the Premier is Leslie Glenn Karutz, of 5 New West Road, Port Lincoln. He has also signed a statutory declaration, which I will make available to the Premier, if he so desires.

In the declaration, Mr Karutz describes events which occurred in the dining room of the motel when he was in the company of about six other people, some from interstate. The declaration states:

> Later in the evening, the Minister of Health, Dr John Cornwall, made himself known to the group and commenced conversing with several of the members of our party. Naturally, being interested in the matter relating to the opinion poll which has been given publicity in Parliament and in the media, I posed the question of what was in that opinion poll. His reply to me was, 'There is nothing wrong with the opinion poll and if the bastards think they can get me for that, they can stick it up their (and here there is an expletive beginning with 'f' which I will not repeat) jumper. It was a mixed group and this language certainly offended all persons present.

The declaration also states:

> The Minister then proceeded to tell us how he was the best Health Minister this State has ever had and how South Australia now had the best health legislation of any State in Australia. Following this comment, I then posed the question of what he had done that was so significant. He said the most recent thing that he had introduced (and I believe the title of the Act is correct) was the Drug Prohibitions and Regulations Act. He then went on to elaborate the various things which were contained in the Act. I then jokingly asked him if that meant it gave me the go-ahead to plant 100 acres of marihuana. His reply to this was 'What are you, an f-wit (and here again there is an expletive beginning with 'f' which I will delete)—or something'.

Describing the reaction of others present, Mr Karutz has declared:

> The people who had been with us from interstate voiced their horror at the conduct and actions of the Minister, and I certainly was also horrified by his actions and behaviour and in no way condone them in any persons, particularly a Minister acting in a responsible position.

The information contained in this declaration has been corroborated by complaints made by a Sydney couple and a Melbourne woman.

The couple were so incensed that they contacted a media representative in the Iron Triangle on their way out of South Australia to say that their holiday had been spoilt by the Ministers behaviour. The Melbourne woman, a travel consultant, said in a letter:

> On our last evening, enjoying our dinner (my lady friend and another married couple), your Minister of Health stopped by and introduced himself as Dr Cornwall, and that he was also a doctor of veterinary surgery, I think after his loose talk he may be better off with the bulls. I was surprised at his holding such a position, I thought not in keeping with your Government.
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> Later, as we were enjoying the open fire, he again came and took over. A gentleman from Port Lincoln and his wife were not impressed, as when we left, my friend and I, he apparently went back to argue with the others, and the language was appalling, I understand too bad to repeat. What a pity a gentleman could not refrain from drinking and showing himself for what he really is.

Those to whom I have referred have all expressed their disgust that a Minister of the Crown should behave in such a way in front of people who were visiting the Wilpena Pound Motel—one of this State's top tourist attractions—to enjoy themselves. This is not the first time the Minister has abused people in public.

**The Hon. J.C. BANNON:** My answer to the question is, 'No, I have not been made aware of these complaints.' If the gentleman concerned has written to me I imagine that that letter is on its way, but I have not seen it and I was not aware of it. I must say that we seem to be embarking on a very slippery slope indeed. All members of Parliament, as public figures, are obviously subjected to public scrutiny and very considerable invasions of their privacy. Might I add also that members of Parliament, despite their offices and responsibilities, are human beings and have private lives. I might say also that members of Parliament, particularly Ministers of the Crown, operate under considerable pressure—a phenomenal pressure—of work.

I am not commenting on this particular incident; I would say just from the information given to me that a number of interpretations could have taken place of what occurred on that occasion. Someone has alleged that they 'jokingly' made certain remarks. I can just imagine the situation and I will not comment one way or the other on that until I hear the other side of the story. However, let me continue with the major point. Each and every one of us at some time or other could be seen possibly to have let down our guard or in some way behaved as human beings in a way that could be criticised. I suggest that members opposite search their own consciences and think about their own behaviour over the time that they have been members of Parliament.

I suggest further that they recall that, in a number of cases, members on this side have refrained from raising issues that they could well have raised. Indeed, very often they have been put under considerable pressure by the media to raise them because doing so would have put something into the public purview which is not in the public purview. We have not done so. I find this behaviour quite extraordinarily unparliamentary. I am not saying that it offends Standing Orders, or something of that nature. Question Time is meant to deal with matters in the public interest and I would have thought that, if members of Parliament use this Chamber to produce material of that kind in the way that has been done today, then I repeat that we are on a very slippery slope indeed. I would suggest that members opposite search their own consciences and I hope that some of them, particularly one or two individuals whom I have in mind, will have the decency in the Party room to say that what has been done by the Deputy Leader is totally unacceptable.

*Members interjecting:*

**The SPEAKER:** Order! The honourable member for Henley Beach.

## GRAND PRIX

**Mr FERGUSON:** Will the Minister of Tourism inform the House what the implications would be for South Australian tourism if the planned grand prix motor race became a reality in 1986? The South Australian Jubilee 150 Board Committee Chairman has announced concepts for a grand prix motor race in the Adelaide streets in 1986. A race of that nature would attract indeed many interstate and overseas visitors to South Australia.

**The Hon. G.F. KENEALLY:** I think that I can answer that question in two ways. First, I would expect it to be an opportunity never before presented to an Australian audience to see one of a series of premier racing events held annually, one of the grand prix. I would imagine that hundreds of thousands of South Australians would avail themselves of the opportunity to view the grand prix personally, and of course there would be a wide viewing audience on television. A grand prix in Adelaide would have enormous benefit for South Australia as a marketing tool. I think it would be difficult to put that into figures but, as I understand it, we could expect the grand prix to be televised through 50 countries around the world with a viewing audience of up to 500 million people. That is the sort of promotion that the Department of Tourism and the Government of South Australia could never afford as a one-off measure, so in terms of promoting South Australia, giving South Australia and Adelaide an image abroad, and bringing, if you wish, Adelaide and its environs into the households of 500 million people around the world, it would be a tremendous fillip to South Australia's tourism industry.

It would be difficult to guess how many people would come to South Australia but I suppose that we could expect that up to 10 000 international and interstate visitors would come to South Australia for a period, with many more thousands coming to South Australia for the grand prix itself. That would inject millions of dollars into the South Australian economy. As Minister of Tourism, I must say that the realisation of the concept of a grand prix in Adelaide would have enormous benefits for tourism in South Australia, both directly and indirectly, through the opportunity to promote Adelaide and South Australia as a destination for millions of people throughout the world whom otherwise we would find it difficult to reach. I understand that authorities in other cities throughout the world which have a grand prix or which are in the market for holding a grand prix also realise the importance of such an event to their cities and to their countries generally.

In answer to the question, it is hard to put specific figures on the proposal, except to say that it would be of enormous benefit to South Australian tourism and would enable us to market South Australia in areas that hitherto we have found it difficult to penetrate.

## ADELAIDE STATION REDEVELOPMENT

**The Hon. MICHAEL WILSON:** Will the Premier say whether it is still expected that preliminary construction work on the Adelaide railway station redevelopment project will begin on 1 July? I ask the question for two reasons: first, the Premier is on record, on 27 October last year, as saying that he expected full-scale construction on the project to begin by April of this year and, secondly, of course, the principles of agreement for the project require preliminary construction to begin at least by 1 July this year.

**The Hon. J.C. BANNON:** The project is still going according to timetable but work on the design is still being finalised and, of course, until that happens, any major construction work cannot be undertaken. The answer is, 'Yes', it is still intended that construction work should be under way by or around 1 July. If it is delayed, it will be for a matter of only a few weeks. Indeed, I draw members' attention to the fact that at this moment a crane rig on the north-eastern side of the railway station is doing some intensive soil tests and drilling as part of that preliminary work.

## REAL ESTATE INSTITUTE

**Mr MAYES:** Will the Minister of Community Welfare ask the Minister of Consumer Affairs urgently to request the Real Estate Institute to instruct its members to refrain from harassing certain members of the public requesting from the people concerned the sale of their properties or a change in the nature of title of their properties? During the current real estate boom, which is certainly evident in the Unley District, I have been contacted by constituents complaining about how certain real estate agents have dealt with them. As a consequence of certain properties with moiety titles coming on to the market, there is a complication because certain mortgage encumbrances cannot be taken on those properties and pressure has been placed on residents to change their title from a moiety title to a strata or separate title.

One of my constituents refused to accept a request from the real estate agent, and the agent then approached my constituent's wife several times, a practice which my constituent found to be both objectionable and unacceptable. In certain other instances properties have been placed on the market, and real estate agents have repeatedly contacted the owners requesting that they have the agency on that property. According to the information I have received, these agents have not taken 'No' for an answer to such requests.

**The Hon. G.J. CRAFTER:** I thank the honourable member for his question. The matter that he raises is one of concern. If I recall correctly, when the legislation passed through this House some years ago to allow for a simpler method of creating separate titles for properties previously encumbered by moiety titles and other forms of joint ownership that were in fact creating an artificially low value on properties, the concerns now voiced by the honourable member were raised in this place. The then Government was requested to send a notice to all landholders in that situation (for instance, with an E. and W.S. Department notice) informing them of their rights in that situation so that they would not be harassed by speculators from time to time. It would be interesting to refer back to the *Hansard* debate and to debates in other places at the time of the passage of the legislation. I will refer this matter to my colleague to see what can be done to protect house owners in this situation.

## O-BAHN BUS

**Mr ASHENDEN:** Will the Minister of Transport tell this House and the people of South Australia when the Government will announce its intentions concerning the guided busway that was proposed by the Tonkin Government to be completed to Tea Tree Plaza by 1986? Over the past year I have received many telephone calls and letters at my office from residents of the north-eastern suburbs expressing anger and concern, first, at the Government's announcement of a delay in the O-Bahn bus project compared with the promises made by members of this Government before the 1982 election that it would complete the guided busway to Tea Tree Gully by 1986; and secondly, at the Government's

continual refusal to announce its intention regarding the section between Darley Road and Tea Tree Plaza.

The concern to which I have referred has now grown to extreme concern among north-eastern residents following a statement made by the Australian Democrats, through the media, that they intend to take out an injunction that would prevent new work being undertaken on the busway route. Such an action would have serious repercussions for residents in the north-eastern suburbs. My personal assistant has told me that the telephone in my office has been ringing continuously this morning as a result of residents wishing to know what is going on about the guided busway. The immediate concern of residents is the statement by the Australian Democrats to which I have referred, but my personal assistant says that most of the callers are also echoing the earlier concern expressed about the Government's announcement of the delay and the fact that the Government will not indicate its intentions as to work on the route between Darley Road and Tea Tree Plaza, or even when an announcement on this matter can be expected.

**The Hon. R.K. ABBOTT:** The simple answer to the member's question about when the Government will make a decision on the outer section of the O-Bahn busway is that this matter will be listed on the agenda of the Resources and Physical Development Committee at its June meeting. We indicated previously that it was not necessary to make a decision on the outer section, in view of the delay that had occurred, until this year. I have asked for that item to be listed on the agenda for that meeting so that a firm recommendation can be put to Cabinet for its consideration. The Government is doing everything that it possibly can to speed up the completion of the O-Bahn busway. The honourable member may be aware that the project team has been negotiating with the Tea Tree Gully council in view of the development that is occurring at the Tea Tree Plaza Shopping Centre and the need to have some firm arrangements in regard to the busway terminals in that area. So, I can assure the honourable member that a decision will be made within the next month or so.

With regard to some of the honourable member's comments about the Democrats calling a halt to the O-Bahn busway, that matter has been raised from time to time by the St Peters council. I understand that a certain amount of money—I think a little more than $1 million—was spent on the study of the O-Bahn system and the Torrens River linear park project, but that no money at all has been spent on the construction of the O-Bahn. I think that that issue has been perused by the St Peters council and other individuals, but, frankly, I do not think they have a leg to stand on, and if that is the case, of course, the busway will be continued as fast as is possible.

## DUAL FLUSH TOILETS

**Mr TRAINER:** Will the Minister of Water Resources inform the House whether any moves have been made towards mandatory installation of dual flush toilet systems in all new domestic, commercial and industrial developments, as a water conservation measure? For those not aware, dual flush systems have two modes of operation, depending on the quantity of water required. If installed in this building, the two controls could perhaps in Parliamentary terms be labelled as notices of motion numbers 1 and 2!

I understand that the introduction of dual flush systems has been successful and that they do indeed use less water and, accordingly, are less of a drain on our community resources. As a result some experts have been suggesting that they be made mandatory. I believe, despite the flippant tone in which I have expressed that explanation, that measures involving water conservation are a subject that merits serious consideration, otherwise I would have hesitated to raise this question, in view of the Deputy Leader's obviously having got his question out of a sewer.

**The Hon. J.W. SLATER:** Although the dual flush system provides the potential for water conservation, at present there is no move to make the use of the system in new buildings mandatory. This view has been supported by the Plumbing Advisory Board, which points out that manufacturers of currently approved inset units would be forced to modify them to meet these requirements. So, at the moment there is no move to make them compulsory. If we were to do so, we would have difficulties with manufacturers of the various types of systems. However, the Engineering and Water Supply Department will monitor the sale of units and will use publicity campaigns to increase public awareness of the need to conserve water.

Let me assure members of the House that dual flush systems do provide the opportunity to the consumer for potential cost savings, for financial savings, as well as a method of conserving water. I am advised by my colleague the Minister for Housing and Construction that the Housing Trust has ordered 2 000 dual flush units for the South Australian Housing Trust for use in newly designed homes. I understand that that order is not just a flash in the pan, and that there will be further orders in future.

## COOBER PEDY TEACHER HOUSING

**Mr GUNN:** Will the Minister of Education immediately investigate what appears to be an exorbitant rent charged by the Teacher Housing Authority to a schoolteacher at Coober Pedy? I have received a letter from the teacher involved, who stated:

> The matter may be familiar to you as you were kind enough to discuss it with me when I met you on your visit to Coober Pedy Area School in late February this year. The matter concerns the amount of rent I am required to pay on a Teacher Housing Authority leased dugout at Coober Pedy. Initially I was required to pay $206 per fortnight rent. After 10 weeks of phone calls and being shunted from the Education Department regional office to head office to Teacher Housing Authority and back again I was finally informed . . . that the Education Department would pay $48 per fortnight subsidy and that I would be required to pay $158 rent per fortnight . . . If I am unable to obtain an additional rent subsidy then I am faced with three very unsatisfactory alternatives. These are:
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> 1. To try to find cheaper, less suitable accommodation (I have already tried this and no other suitable accommodation can be obtained for less). As my wife has to be home all day I would not like her to have to live in depressing, shabby accommodation; or
> 2. To pay the $158 per fortnight rent and reduce our already very simple life style to a bare minimum existence; or
> 3. To request an immediate transfer out of Coober Pedy or, after 19 years, terminate my employment with the Education Department and seek alternative employment.
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> I would like to stay and fulfil my obligations to what I believe to be a job requiring several years to establish within the school and the community. I believe my background and experience suit me for this demanding, difficult job of Aboriginal Resource Teacher, and I would like the opportunity to do the job . . . I am very disappointed with the treatment I have received . . . These sacrifices include my rejecting an offer to return to senior teacher status with an extra $3 000 per annum salary.

The letter goes on to give details of his teaching experience at Kadina and of various other points. His comments have been endorsed by a senior member of the staff at Coober Pedy. I understand that the rent charged for this teacher is far in excess of what the principal has to pay. This is a serious matter, and, accordingly, I ask whether the Minister will take some action to rectify the situation.

**The Hon. LYNN ARNOLD:** I thank the honourable member for his question and for bringing the matter to my

attention. Indeed, I have had officers investigate this situation and I have come to a determination, about which I will advise the member shortly. I shall give an outline of how the rent came to be that particular figure. In fact there are two dugouts that are connected by a tunnel that are being rented to provide accommodation to the teacher, because he has a larger than average size family. Far be it for me to participate in anything that would work against larger than average size families! So, the two dugouts cost $103 each in rent. They were rented by the Teacher Housing Authority for use by the teacher.

The Authority then contacted the Education Department and informed it of what it normally does when it rents on the private market and asked the Department to advise it of the subsidy that it will pay. The Education Department then replied to the Teacher Housing Authority informing it that the average rental per teacher at Coober Pedy was a subsidised rent of $79 a fortnight per resident. It therefore proposed to double that amount, as there were two dugouts, and requested that that be the amount paid by the teacher with the balance between that figure and the amount of $206 to be the subsidy paid by the Education Department. That in fact resulted in the teacher's rent being reduced to $158 a fortnight. In fact, it is interesting to note that, as I am advised, private accommodation in Coober Pedy presently costs a minimum of $95 a week.

That is the background of the situation. The officers of the Teacher Housing Authority and the Education Department applied themselves as required by long practice but clearly we have had to provide a double dugout to accommodate the size of the family and it is unfair that the teacher in question has had to bear the cost of that. I will be advising the Education Department and the Teacher Housing Authority that as from the next rent period his rent should be reduced to the average teacher rental for Coober Pedy, namely, $79 per fortnight. That will mean a cost to the Education Department of about $2 000 a year.

However, it does raise an interesting point about the standardising of teacher housing rents between the sources of housing. The Teacher Housing Authority does gain its housing from three areas: one, the houses it owns itself; two, the houses it rents from the South Australian Housing Trust; and, three, the houses that it rents on the private market. Before and since the last election, I have strongly argued for the need to standardise the rent setting mechanism between those three sources of houses. This case is a clear indication of how important it is to standardise. I am hoping for further developments on that later this year. Notwithstanding that, I will instruct the Education Department and the Teacher Housing Authority that the teacher's rent in this case should be reduced to that equivalent to the subsidised rent on one dugout.

## PETROLEUM ENGINEERS

**Mr GREGORY:** Will the Minister of Mines and Energy provide the House with information on the proposal to seek the establishment of a national institute of petroleum engineers in Adelaide? I have heard references to this institute in the media, and I would like further information on what seems to be a fairly exciting project for Adelaide.

**The Hon. R.G. PAYNE:** I can provide the House with information and I thank the member for the opportunity of raising this important and exciting project. Last Friday, I released a detailed proposal for the establishment of a National Institute of Petroleum Engineering in Adelaide. The proposal has been developed over the past six months by a working party, established by officers of my Department, and comprising representatives from the industry, tertiary institutions and Government Departments. The proposal, I might add, has the enthusiastic support of my colleague, the Minister for Technology.

The motivating factor behind the proposal is the fact that Australia has no facilities for training petroleum engineers, despite the existence of an industry demand for about 30 graduates a year. Currently, industry and Government are forced to rely on training Australians at overseas universities or importing fully trained overseas graduates. I believe this is an unsatisfactory situation and that urgent action is needed to establish such training locally.

Having said that, it is obvious that the current level of demand for those graduates is sufficient to justify the establishment of only one institute. The Government believes that Adelaide is uniquely equipped to provide this facility, offering as it does a central geographic location, excellent tertiary institutions and proximity to the Cooper Basin Oil and Gas Fields—Australia's largest on-shore petroleum province.

The working party estimates that the cost of establishing and running this institute for an initital three-year period would be about $6.4 million. I am delighted to say that the Playford Memorial Trust has offered a very substantial endowment of $750 000 to fund in perpetuity a chair of petroleum engineering. Cabinet has also discussed the proposal and has pledged both moral and financial support for the project.

In addition to this, the proposal has the endorsement of the Vice Chancellor of The University of Adelaide (Professor Stranks), the Director of the South Australian Institute of Technology (Professor Mills) and a wide cross section of the local petroleum exploration, production and service industry. I am very pleased to be able to report to the House that since the project was first mooted widespread support has been given by the industry that I have just mentioned to the whole concept. The detailed proposal is now being widely distributed within the petroleum industry and has been sent to the Commonwealth Tertiary Education Commission, the Society of Petroleum Engineers and the Australian Petroleum Exploration Association. I trust that we will receive support in this matter from the Opposition also, and I confidently expect it to be that way.

## TROPICAL CONSERVATORY

**The Hon. D.C. WOTTON:** Does the Minister for Environment and Planning, as Minister responsible for the Botanic Gardens of Adelaide, agree that there is a need for a new tropical conservatory in South Australia and, if so, why has the Minister not strongly supported the proposal put forward by the Botanic Gardens Board as a worthy nomination to attract funding which is being made available as part of the bicentennial celebrations?

There has been much debate in recent times about the most appropriate site for a new tropical conservatory in South Australia. An informal survey was carried out recently by the Friends of the Botanic Gardens on a stand at the Wayville Showgrounds during Garden Week from Tuesday 24 April until Sunday 29 April inclusive. Visitors to the stand were shown a model of the proposed tropical conservatory to be built in the Botanic Park of the Adelaide Botanic Gardens. They were invited to give their name and address, to state whether they favoured or did not favour the project, and to make any comments they felt appropriate.

Analysis of the results indicates that 2 088 persons made comments about the proposal. A total of 1 942 (or 93 per cent) approved the project entirely. A further 68 persons (or 3.2 per cent) approved the project but would prefer another site, and 78 persons (or 3.7 per cent) opposed the project

entirely. A recent Government release indicated that the Minister for Environment and Planning and the Minister of Transport were exploring the possibility of siting the conservatory on the current site of the Hackney bus depot. It has been made clear, however, that this study will take some time and, if agreed to, will be very expensive. In fact, a similar investigation carried out in 1982 suggested that a new depot to replace Hackney would cost between $8 million and $10 million.

Personally, I strongly support that land being returned to the Botanic Gardens. However, while all of this is happening time is ticking away. I am also informed that if the Government does not give its support to this project in the very near future, we will lose the opportunity to attract bicentennial funding for what would be a magnificent asset for South Australia.

**The Hon. D.J. HOPGOOD:** There are embedded in the honourable member's question and explanation, and indeed in the public controversy, if that is not putting it too highly on this matter, two issues: one is the suitability, propriety or desirability of the Botanic Gardens administering such an additional facility; the second is the siting of that facility.

The honourable member implies in his question that there has been a lack of support from the Government as to the desirability of the facility, on whatever site. That is not so. I personally have certainly encouraged the Board of the Garden, so far as the development of the idea and the eventual facility is concerned, but the siting of the project is another matter. It seemed to me right from the very beginning that there would be a great deal of public disquiet about the siting of this facility in the Botanic Park. I assume from what the honourable member has said that he, and possibly his Party, support the siting of the facility in the Botanic Park—

*The Hon. D.C. Wotton interjecting:*

**The Hon. D.J. HOPGOOD:**—at the point of what one might call the back gate of the Botanic Gardens, a site which I have examined. There is a good deal of public opposition to that siting and now it appears that there is official opposition to it on the Adelaide City Council. That being the case, it seems to me that to persist with the desire to build the facility on that site may indeed place the whole project in jeopardy. It is true that, in searching for an alternative site, one runs into some problems with timing, in view of the fact that the bicentennial package will have to be finalised before long. So, there are some risks in going that way as well. I think that we would be lacking in our responsibility not only to the public in 1984 but to future generations if we were not to just pause and consider for a moment whether this is the best site for the conservatory and whether options will be closed by proceeding with the siting at that point.

I give the honourable member my assurance that I and the Government indeed are not only simply interested in this project but somewhat excited by its possibilities. But, we have seen right from the start the potential for problems that would flow from a decision to site the conservatory where the gardens now are.

**The Hon. D.C. Wotton:** We will lose it altogether if you do not make a decision.

**The Hon. D.J. HOPGOOD:** It is well understood that which ever way we go there will be problems. There is no guarantee that bicentennial funding is available anyway, as the honourable member well understands.

**The Hon. D.C. Wotton:** It's worth a try.

**The Hon. D.J. HOPGOOD:** It is certainly worth a try, but there is little point in proceeding in relation to a site when the Adelaide City Council will not support siting at that point. The honourable member might like to advise me as to how planning approval is likely to be obtained against the opposition of the Adelaide City Council.

**The Hon. D.C. Wotton:** If the Government made it clear about what they felt about it, it might get the support of the council.

**The Hon. D.J. HOPGOOD:** At present that appears to be not the case. The council seems to have moved somewhat in its appreciation of what should happen. The Lord Mayor was on television about a week ago and more or less implied that her colleagues really had not read the supporting documents as closely as they should have when there was a first examination. Now, having been forced by public agitation to take the stance which the council did take, it was a little more solid than had previously been adopted. I am saying to the honourable member and to the House that the council position seems to be hardening rather than loosening up in this respect. I can say that the Government is very supportive of the project as a concept and as something at which we should look very closely for bicentennial funding. We do not believe that we should jeopardise the project by an inappropriate siting without having exhausted all other possibilities for a site.

## MAIN NORTH ROAD

**The Hon. PETER DUNCAN:** Can the Minister of Transport advise the House of the Government's plans to upgrade Main North Road through Elizabeth? While this may seem to be a question of great parochiality and parish pumpery, nonetheless I have noticed since it was brought to my attention that the Main North Road through Elizabeth in some sections is breaking up quite badly with a ribboning effect on the roadway and quite serious cracking in the road surface. In the light of the fact that that road receives very heavy use, particularly from road transports and the like, it is important—

**Mr Lewis:** It is a dual highway; it is Highway 1.

**The Hon. PETER DUNCAN:** The honourable member ought to know that it is not Highway 1 at that point.

**The SPEAKER:** Order!

**The Hon. PETER DUNCAN:** It is quite clear that the honourable member knows little about the north of the State. It is not Highway 1 at all. However, the point is that the road clearly is in need of fairly urgent repairs, and I ask the Minister to advise the House as to the Government's plans. Will his Department investigate the matter?

**The Hon. R.K. ABBOTT:** The Highways Department is preparing a report for me following a study on the matter of upgrading Main North Road through to Gawler, which I hope to receive within just a few days. I know that the Government intends to require controlled access along various sections of Main North Road, and also that it will commence discussions with councils throughout the northern area on upgrading this major arterial road, the Main North Road, and other roads. This will also coincide with the announcement of the construction of the Gawler by-pass under the Australian bicentennial programme. It is intended that $18 million will be spent to make that by-pass safer than it now is. As soon as I have more detail on that upgrading, I will make it available to the honourable member.

## FISH OFFAL

**Mr BLACKER:** Prior to the announcement last week about the proposed closure of SAMCOR at Port Lincoln, was the Minister of Water Resources consulted and did he agree to alternative methods of fish offal disposal by the trench method? If so, what is the expected pollutant effect

and potential health hazard of such disposal methods on the underground water supplies now used for reticulation over most of Eyre Peninsula? I am informed that SAMCOR has been processing about 1 000 tonnes of fish offal from a number of fish processors for the production of fish meal. If this offal cannot be processed, it must be disposed of by trenching. No one fish processor has enough offal to justify its own processing plant, but collectively 1 000 tonnes of offal creates enormous pollutant problems for the underground water supplies.

**The Hon. J.W. SLATER:** No, I was not aware of this matter until this question from the member for Flinders. I suppose it would be appropriate for me to find out exactly what the problem might be. Therefore, I will advise the honourable member of the result of my investigation as soon as possible.

## MAPLAND OPERATIONS

**Mr MAYES:** Is the Minister of Lands aware of a call by the Leader of the Opposition for an investigation into the potential for transferring the commercial operation of Mapland to the private sector? Will he confirm whether or not these operations are a drain on the public purse? If they are, will he indicate what steps the Government is taking to rectify the problem? If they are not, will he indicate what has led to this interesting suggestion by the Leader?

**The Hon. D.J. HOPGOOD:** When pragmatists as opposed to ideologues advocate privatisation (to use that somewhat bastard term) of public enterprises, they usually justify what they are proposing on one or two grounds. Either they justify it because a drain on the public purse is to be removed, or else they justify it by saying private enterprise can provide the service better than it can be provided by public enterprise. Unfortunately for the Leader, in the case of this particular facility, neither of those two conditions can be satisfied. Interestingly enough, the Tonkin Government examined this matter during its time in office. I can recall the Labor newspaper, the *Herald,* rather tongue in cheek, saying 'Before we know it the Liberals will be suggesting that Mapland be sold off.' Little did we know that they were indeed investigating that very possibility.

**The Hon. Peter Duncan:** They got the idea from the *Herald*!

**The Hon. D.J. HOPGOOD:** Maybe, but we find that in April 1983 the Government had delivered to it a report, but reports were made to the Tonkin Government prior to that time on the basis of what finally appeared. That investigation stated that Mapland was a cost efficient operation, its transfer to the private sector would result in a considerable reduction in service to the community, and there was no real desire in the private sector to become involved in Mapland's commercial operations.

**Mr Lewis:** How do you know?

**The Hon. D.J. HOPGOOD:** Because they tested that very matter. There was one spark of interest from the Scout Association about its own site, I understand: that was all. There was no other interest whatsoever from private enterprise. Any transfer would cost the Government in that any private enterprise operation would require a subsidy to carry the range of items Mapland marketed. A draft report was delivered to the Tonkin Government, although the final report I have before me is dated after the election. Obviously, the Tonkin Government was persuaded by the argument that through its trading operations Mapland generates significant revenue, which offsets the cost to the total State mapping programme, and if Mapland was sold off that return to the Treasury from a cost efficient operation would no longer be there, and the basic costs of mapping would not be subsidised in that way from this commercial operation.

I make the point that if private enterprise moved in it would not be able to carry the range of goods available from Mapland, so there would be a significant reduction in service to the public. Secondly, we would lose the return to the revenue available now from Mapland, and that is the plain fact of the matter. I am amazed that the member for Mallee cannot see it. Is he suggesting that private enterprise would be prepared to cut into its profits by running items in very low demand indeed, although the demand that is there is an important one and one that should be met by the community?

Is he questioning my assertion that Mapland does not make a quid for the public through its commercial operations? If he is not saying either of those things, I am really not sure what he is saying. Finally, I make the point that there was no significant interest from people in the private sector about mapping and cadastral affairs. Therefore, I draw the conclusion that the Leader of the Opposition in what he had to say was operating purely as an ideologue. He has ignored completely the pragmatic aspects of this matter, and that tends to be what happens inevitably when people of a conservative persuasion advocate privatisation of this sort.

## ELECTRONIC FUNDS TRANSFER

**Mr FERGUSON:** Will the Minister of Community Welfare ask the Minister of Consumer Affairs whether his Department has considered privacy and consumer protection provisions in relation to electronic funds transfer? The further development of electronic funds transfer will mean an increase in information relating to the paperless exchange of financial transactions.

Wrong information about a customer could be digitally held in the memory of a data bank system and this information could be transferred quickly from system to system. The Council on Technological Change has suggested strongly that the legal aspect of 'EFT' be examined by the Minister of Consumer Affairs in order that proper consumer protection and privacy be maintained for potential customers.

**The Hon. G.J. CRAFTER:** I thank the honourable member for bringing this matter to the attention of the House, and I will obtain a report from my colleague.

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**The SPEAKER:** Call on the business of the day.

## LEAVE OF ABSENCE: Mr PETERSON

**The Hon. J.D. WRIGHT (Deputy Premier):** I move:

That one weeks leave of absence be granted to the honourable member for Semaphore (Mr N.T. Peterson) on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

## LEAVE OF ABSENCE: Mr BECKER

**Mr EVANS (Fisher):** I move:

That one weeks leave of absence be granted to the honourable member for Hanson (Mr H. Becker) on account of absence overseas.

Motion carried.

[*Sitting suspended from 12.50 to 2 p.m.*]

## PUBLIC WORKS COMMITTEE REPORTS

**The DEPUTY SPEAKER** laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Gawler East Primary School—Replacement,

Port Pirie College of Technical and Further Education—Reconstruction.

Ordered that reports be printed.

## SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4105.)

**Mr OLSEN (Leader of the Opposition):** I do not intend to be the lead speaker in this debate on behalf of the Opposition, as the shadow Minister, the member for Coles, will be the lead, but because of the importance of the subject it is important that on behalf of the Liberal Party I put its position as it relates to this Bill.

This Bill already has received the approval of another place. During that process the Opposition was able to have some amendments made to limit the effect of some of the controls on private hospitals which the Government is seeking through this measure. However, my purpose in participating in this debate is to reinforce the protests expressed in another place about the complete lack of consultation which accompanied the introduction of this Bill. It has been symptomatic of this Government's whole approach to health matters.

I have had representations from the Australian Medical Association saying that the association did not have the opportunity fully to consider this legislation before it was introduced. The South Australian Hospitals Association was not consulted. Local government, which is losing the responsibility for licensing private hospitals, also was not in any way effectively consulted.

This is important and far reaching legislation, enshrining a fundamental philosophical attitude of the Labor Party. It gives the Government some very wide powers to determine the future of the private hospital system. The Minister of Health has sought to justify it on the basis of need—the need to ensure proper and effective long term planning in the provision of health care—and the need to ensure that public funds allocated for the health system are efficiently and effectively used.

I have no dispute with those needs—they are vital. Indeed, it is the basic aim of the health policy of the Liberals to ensure that health services are maintained and developed to meet the continuing and changing health needs of the community, and that means the whole community. Yet, this Government, and particularly the Minister of Health, have higher priorities related first and foremost to ideology and Party politics. Their ideological approach to health matters is continually demonstrated in their determination to ensure as much Government control as possible in the provision of health care.

While he was in Opposition, this Minister also rejected out of hand any suggestion that our health system needed rationalisation to control soaring costs. Free of any responsibility for administering the second largest area of State Government expenditure after education, this Minister, while in Opposition, equated better management of our health system with spending more money—and nothing else. That is all we saw in the Labor Party's health manifesto for the last election—grand promises for spending much more money. The other side of that equation—the question of where the money would come from—was not addressed in any way by the Minister. Only the Liberal Party had the responsibility at the last election to address the need to rationalise health services to ensure their cost effectiveness and efficiency. Our policy on health stated:

Our policy on health stated:

> The Government recognises that an over-supply of hospital beds and the associated duplication of expensive equipment and staffing imposes unnecessary cost burdens on the community. Unchecked, this leads to an inequitable distribution of beds and inappropriate hospital admissions and procedures, as well as contributing to the public expectation that institutional care is always the most appropriate form of care. We will therefore pursue the rationalisation of public hospital beds to ensure equitable distribution preserving people's right to have reasonable access to hospital beds in their own geographic location.

It was because of our consistent recognition of these vital factors that the former Liberal Government fulfilled the undertaking it gave in 1979 to review the structure and operation of the South Australian Health Commission. The Commission we inherited in 1979 was a shambles—the legacy of years of bungling, misguided socialism. The Commission that this Government inherited was an efficient operation following amendments to the Act we are now debating, which established a Commission of seven part-time Commissioners with a full-time Chairman and Chief Executive Officer. In addition, executive directors were appointed for three defined geographical areas, resulting in clear lines of authority, responsibility and communication between the Commission and health units.

This decentralisation of services provides the best basis for efficient and economic management of health care services. Our development of this programme during our three years in Government was constantly criticised by the present Minister. He promised in his election manifesto to restructure the Commission. He has not done so. He has had to admit that Liberal policies were the right policies for the Health Commission. In the same way, the Minister is a latter-day convert to the need to ensure that our health system is more efficient. While in Opposition, he ignored the major thrust of the report of the Jamison Commission of Inquiry into the Efficiency and Administration of Hospitals, published in 1981. Let me quote one comment by that Commission which summarises much of the thrust of its recommendations:

> The Commission has concluded that the machinery for determining resources in the form of beds and equipment to be made available is not effective. The failure of the machinery to allocate the resources of beds and equipment has to be overcome to allow improvement of efficiency and some constraint on costs. Rationalisation is a part of the answer.

However, as I have already pointed out, 'rationalisation' was not a word that entered the vocabulary of the Minister of Health until after he was safely in office—until after there was no need to make big-spending promises to buy votes. The Minister of Health now blithely accepts the rationalisation thrust of the Sax Report, which he commissioned, when he would have roundly condemned the acceptance of similar recommendations by any Liberal Government.

The major provisions of this Bill enable the private hospital system to be provided within the general control of the Health Commission for planning purposes. The Commission may impose conditions limiting the kind of health services that may be provided, limiting the number of patients to which health services may be provided, preventing the alternation or extension of premises without the approval of the Commission, preventing the installation or use of facilities or equipment of a specified kind, and regulating staffing. In other words, the Health Commission's controls can extend to virtually every aspect of a hospital's operations. The Government was obliged to have wide-ranging consultations

with hospitals and organisations involved before such far-reaching legislation was introduced. I believe that the Government would have discovered a co-operative attitude—a recognition that a great deal of the funds made available to privately operated hospitals comes from the taxpayers through Government and that, especially in times of economic stringency, it is important to allow the Commission to have an overview of the whole hospital system.

It will be important, however, for such a heavy responsibility to be administered consistently, not capriciously: fairly, not arbitrarily. Political decisions must have no part of deciding where facilities should be, who should get public funding, and how much. However, this Government's performance so far, and especially that of the Minister of Health, gives the Opposition and those working in the health system little confidence that this will be the case. The administration of this legislation will be closely monitored by the Opposition, and on our return to Government I give a commitment here and now that any aspects of it which have led to unfairness or disadvantage to hospitals will be immediately reviewed.

With this legislation, this Government is exhibiting a blind faith in the certificate of need concept originally introduced in the United States to limit the supply of beds and expensive, sophisticated equipment. The Medicare hospital cost-sharing arrangements require certificate of need to be implemented by the States. However, the relatively brief American experience with this concept (it has had widespread application only since 1968) has not provided any significant evidence so far of its effectiveness in controlling the total costs of the supply of hospital services or in ensuring that priority is given to under-serviced areas. This is another reason why this legislation must be monitored closely. This is a responsibility that the Opposition will not shirk.

**The Hon. JENNIFER ADAMSON (Coles):** I have grave reservations about this legislation, those reservations relating to a whole range of issues. The first issue concerns the breadth of powers which the Bill confers on the South Australian Health Commission to control private hospital services that have served South Australia so well. The breadth of powers is greater than the powers which the Commission has to exercise in its control of recognised hospitals in this State, and that fact should not be forgotten by any sector of the hospital services in South Australia, by the Government, by Parliament, or by anyone else concerned with this issue. The breadth of powers is very wide indeed.

My reservations are reinforced by the fact that the Commission, under Statute, is under the general direction and control of the Minister of Health, and the Minister in office at present has demonstrated that he has scant regard for the responsible use of power. So, we have a very broad range of powers and a Minister with little scruples as to the way in which those powers should be used. My reservations are further reinforced by the secret and surreptitious way in which this legislation was introduced. No press statements were issued, and there was none of the usual fanfare that accompanies a legislative initiative of the Minister of Health.

The Bill was introduced very much by the back door in an atmosphere of quiet: indeed, it was debated in another place in the middle of the night. Certainly, there was no consultation with the bodies to be affected by it, despite the protestations of the Minister in his second reading reply that there had been consultation of a sort with the Local Government Association. It is outrageous that the following organisations, all of which will be directly affected by the legislation, were not officially consulted before the Bill was introduced rather than, as was the case with some of them, being informed after its introduction. The Australian Hospitals Association, which has a primary interest in the legislation, was not consulted, nor was the Australian Medical Association, which has an intense interest in the Bill. Indeed, there has been no official communication, as at last weekend, between the Minister and the AMA as to the introduction of the legislation.

The Roman Catholic and the Uniting Churches in South Australia, each of which administer significant acute hospitals in the Adelaide metropolitan area, were not consulted. The Local Government Association was not officially consulted as I understand the meaning of the word 'consulted'. The Royal Australian Nursing Federation was not consulted, although I understand that one of its officers was informally advised of the introduction of the Bill after the event. The boards and administrators of South Australian private hospitals were not consulted.

One is tempted to ask what the Health Commission thinks of this legislation, and whether it was consulted. One wonders what the commissioners meeting as a Commission think of the legislation. It has become clear to me through inquiries made over the past few days that even senior officers of the Commission, some of whom might be expected to administer aspects of this legislation, were not even aware that it was in Parliament or being contemplated. To me that is an indictment of the Minister. I contrast the Minister's approach to that which was taken on any substantial matter in the health area by the Tonkin Government. In every case significant interest groups were gathered, either together or separately as appropriate, and taken carefully through the general proposals as well as ultimately through the final drafts of legislation to be presented to Parliament. The fact that that was not done on this occasion strongly supports the Opposition's suspicions about that aspect of the Bill.

I am very pleased to endorse the undertakings given by the Leader that this legislation will be subject to scrutiny and review in consultation with the private sector as soon as the Liberal Party achieves office in South Australia. The purposes of the Bill are threefold: first, to enable the South Australian Health Commission to license private hospitals on the basis of need; secondly, to remove barriers in the existing South Australian Health Commission Act to part-time employees of the Commission and incorporated units becoming contributors to the South Australian Superannuation Fund; and, thirdly, to broaden the fee-fixing regulatory powers to ensure that levels of fees of all recognised hospitals can be regulated. I have no argument at all with the proposal to remove barriers in the existing Act which prevent part-time employees from participating in the superannuation fund. It is well known that in the health services area particularly there is a high level of part-time employment which is principally because in that area so many women are employed. I am very pleased that those employees will now have access to the fund.

I have no argument in principle with the transfer of the general licensing powers from local government to the central authority: that power should rightly reside with the Health Commission, and I do not disagree that it should be transferred. I think at the same time it is proper to pay a tribute to the way that local government has administered its powers over the decades in respect of the licensing of private hospitals and to recognise that the health surveyors at that level have in a practical and unsung way performed a very useful service to the State. My real reservations relate to the scope of the powers in clause 10, which provides for the insertion of new sections 57b to 57k after Part IV of the principal Act. In regard to private hospitals, proposed new section 57b provides:

(1) No health services shall be provided by a private hospital except at premises in respect of which a licence is in force under this Part.

(2) If health services are provided by a private hospital in contravention of subsection (1) the person or each person constituting the private hospital shall be guilty of an offence and liable to a penalty not exceeding $5 000.

(3) This section does not apply in relation to premises licensed as a nursing home or rest home under the Health Act, 1935.

It will be very interesting to see how the Minister wrestles with that not insignificant problem of transferring the licensing of those institutions from local government to the Health Commission. Proposed new section 57c deals with the manner in which application for a licence can be made. Proposed new section 57d (1) provides:

Subject to this section, where application is made under this Part for a licence in respect of premises or premises as proposed, the Commission shall determine whether a licence should be granted having regard to—

*(a)* the suitability of the applicant to be granted the licence;

*(b)* the standards of construction, facilities and equipment of the premises or premises as proposed;

*(c)* the scope and quality of the health services proposed to be provided in pursuance of the licence;

*(d)* the location of the premises or premises as proposed and their proximity to other facilities for the provision of health services;

I draw to the attention of members the extraordinary irony inherent in that provision having regard to the Minister of Health ignoring every planning principle in favour of naked political considerations in undertaking to site the redevelopment of a hospital for northern Yorke Peninsula at Wallaroo rather than at Kadina, in direct contravention of the Health Commission's planning principles. The Jamison Commission of Inquiry into the Efficiency and Administration of Hospitals in volume 1 of its report, at page 56, makes reference to this kind of activity as follows:

Several times during visits to hospitals and other health facilities in many parts of Australia commissioners were told that political decisions were the reason many facilities were located where they were.

The present Minister of Health represents probably one of the most glaring examples that this State has ever seen in regard to that abuse of political power and complete failure to responsibly fulfil health planning guidelines, at some considerable cost, I might add, not only clinical cost in terms of patient care and accessibility but also cost to the taxpayer. That indictment is well remembered by everyone in the field of health planning in South Australia and completely destroys any credibility that the Minister might seek to have when he refers to the need for sound health planning. In regard to granting a licence proposed new section 57d further provides that regard shall be taken of:

*(e)* the adequacy of existing facilities for the provision of health services to persons in the locality—

which may, of course, be described as a somewhat subjective judgment—

*(f)* any proposals for the provision of health services to persons in the locality through the establishment of new facilities or the expansion of existing facilities;

*(g)* The requirements of economy and efficiency in the provision of health services within the State; and

*(h)* any other relevant matter.

Proposed new section 57e contains the real meat of the matter, namely, the requirements concerning the certificate of need. Subsection (1) provides:

A licence under this Part shall be subject to such conditions as the Commission may specify by notice in writing given to the holder of the licence.

I indicate to the Minister in this Chamber representing the Minister of Health that that word 'Commission' prompts questions which will be asked in Committee as to the exact process that will operate under this provision. Will the commissioners sitting as a Commission make the final determination and approve recommendations? Will it be some staff members down the line? Who will exercise this enormous power over the private hospitals of South Australia? Subsection (2) provides:

Without limiting the matters with respect to which conditions may be imposed, the Commission may impose conditions in respect of a licence under this Part—

*(a)* limiting the kinds of health services that may be provided pursuant to the licence;

*(b)* limiting the number of patients to whom health services may be provided on a live-in basis at any one time pursuant to the licence—

which in plain terms means limiting the number of beds—

*(c)* preventing the alteration or extension of the premises without the approval of the Commission;

*(d)* preventing the installation or use of facilities or equipment of a specified kind either absolutely or without the approval of the Commission;

*(e)* requiring the installation or use of facilities or equipment of a specified kind not otherwise required by or under this Act;

*(f)* requiring that the premises be in the charge of a person with specified qualifications and otherwise regulating the staffing of the premises.

There is a very broad power there that needs challenging. Then the clause provides as a result of an amendment by my colleague in another place that there should be 30 days notice before these conditions actually can be imposed.

One assumes that the goal of these clauses is in the interests of the patient and the taxpayer because, if that is not the case, there is and could be no justification whatsoever for the breadth of those powers. One assumes that the Government is intending to use these powers to improve standards of patient care in the most cost-effective manner and, if that is the goal, then the Opposition has no quarrel with it, although it has grave doubts about the way those powers are to be administered.

There is much in recent reports to justify Government intervention in the private sector in the interests of both patient and the taxpayer. The Jamison Royal Commission, volume 1 at page 27, states that the factors which are influencing health costs in Australia include:

inflation;

increase in population and in the ageing of the population;

labour costs, including increases in salaries and wages, improvements in working conditions, increases in training, salary 'catch up', and equal pay decisions of the 1970s;

the move to more skilled classification and specialisation of workers;

increasing numbers of doctors and changes in the pattern of payments to doctors;

the introduction of new technology;

increase in the intensity of care;

increases in overall bed numbers;

budgetary processes, especially in using past expenditure as a basis for providing funds for future expenditure.

The report continues at page 57, and states:

The Commission has concluded that the machinery for determining resources in the form of beds and equipment to be made available is not effective. The failure of the machinery to allocate the resources of beds and equipment has to be overcome to allow improvement of efficiency and some constraint on costs. Rationalisation is a part of the answer.

The Commission believes that the States should strengthen legislation to allow the control of beds and equipment to be dependent on the overall needs of the State. Need clauses should make sure that the total range of beds and equipment in public and private hospitals and nursing homes as well as repatriation hospitals is taken into account when determining these needs. It should be noted that to close beds in public hospitals and allow additional beds to be opened in private hospitals defeats the objectives of any rationalisation programme.

As I recall, it was the conclusions of the Jamison Commission, released in December 1980, that prompted the then Minister for Health, the Hon. Michael MacKellar, to write to all State Ministers of Health, as mentioned in the Minister's second reading explanation of this Bill, seeking co-operation in this regard. I doubt very much whether legislation introduced by a Liberal Government would have been along such all-embracing lines as this, and I can state

without equivocation that, if such legislation had been proposed, there would have been considerable consultation beforehand. Jamison went on to say, at page 61:

> Criticism has been made that Commonwealth and State health authorities have not adequately discharged their planning functions and that this has affected the efficiency of the operation of hospitals and related institutions. State and regional plans should be directed towards producing a distribution of services and facilities that is adequate, appropriate and accessible, while at the same time being efficient in terms of resource use.

There is justification in a report at Federal level following the taking of evidence and discussion with interested persons all over Australia. If further evidence were needed it is possibly most neatly contained in volume 3 of the report, entitled 'Selected Studies', and at page CHS4 there is an indication of how hospital costs contribute to inflation. The report states:

> For the period FY67 to FY78, current expenditures on hospitals, as a per cent of total health expenditure, increased from:
> 29.7 to 37.9 for recognised hospitals;
> 2.7 to 4.8 for community and proprietary hospitals.

Because of the impact of the cost of health services on inflation, and because of the impact of the cost of health services on the taxpayer, Governments have an obligation to control those costs and also to ensure that standards of clinical care are at the appropriate level.

So, all of that provides justification for State Governments moving into this field but, at the same time, it is wrong to assume that legislation is the only way or, indeed, the most effective way of rationalising services, of co-ordinating the public and the private sector, of ensuring quality of care and of ensuring cost effectiveness. All of those goals are endorsed by the Opposition and were actively pursued by the Liberal Party in Government.

To name some of the measures that were instituted under the Tonkin Government, in an area which had been badly neglected by its Labor predecessor, I would instance the hospital accreditation programme which was introduced into South Australia under the Liberal Government, and it is significant that the first hospital to be accredited in this State was a private hospital—Ashford Community Hospital—which received high praise from the Australian Council on Hospital Standards. It was the Tonkin Government that introduced the delineation of privileges for doctors to practise at hospitals. The work done by the Health Commission in that area was done in a very sensitive and consultative fashion thus overcoming some of the fears among doctors which could have arisen if the shoot from the hip and belligerent attitude of the present Minister had existed. The work done by the AMA Health Commission Working Party jointly developed guidelines, working together, not having one authority acting in an authoritarian manner to impose its will on others without any consultation with them whatsoever.

Another important initiative which has a bearing on this legislation was the repeal of the Medical Practitioners Act and the introduction of new legislation. A further initiative, one which unfortunately did not bear fruit, was my constant call for the Commonwealth to review the medical benefits schedule. It is the manner in which benefits are paid and the services for which benefits are paid which determine to some extent the pattern of medical practice.

If the remunerative emphasis is on curative services rather than on preventive services, then one can expect to get a pattern of practice which emphasises curative services. If the emphasis is switched to the preventive services, so will the pattern of medicine be subtly altered in what I believe to be the best interests of the patient and the health of the community.

Unfortunately, my pleas in that regard were never taken up, but if anything will influence cost effectiveness and health sustenance, maintenance and improvement, it will be I believe a review of the medical benefits schedule. Only the Federal Government can initiate that; a State Government cannot. But, at least I can stand on the record and say that time and time again I urged that it be done. As far as I am aware, nothing has yet been done, although it may well be that something is in the pipeline.

The powers in this Bill are very similar to those in the New South Wales legislation, which is equally wide ranging. Of course, that legislation was introduced by a Labor Government. The Victorian legislation was introduced by the Liberal Government, under the Ministry of Bill Borthwick, who had very great dedication to ensuring that the health dollar in his State was spent in the best interests of the patient and the consumer. I understand that that legislation was successfully challenged in the courts by a hospital which wished to build additional beds, and which succeeded in doing so because the legislation was found not to have the teeth that were required. Nevertheless, the cost implications of building up certificate of need bureaucracy have been found to be massive.

The record in the United States proves this. I am told that after some years in operation the legislation actually managed to prevent something like 60 beds being built in the State of Massachusetts and when a cost benefit analysis was done of this achievement, if we can call it that, it was found that the cost of preventing each bed amounted to several million dollars. So, one might ask whether certificate of need is indeed the best way of going about achieving co-ordination and rationalisation. This Government has opted for the heavy legislative approach where a more general approach would still be more efficacious, bearing in mind the great responsiveness and responsibility of South Australians when it comes to working together for the public good.

Nowhere is that more evident than in the health field. South Australia has always enjoyed an extremely high standard of private and public hospitals. There are reasons for this and I identify those as, in the first instance, the tradition of high standards of medical and nursing education in South Australia. Related to that tradition is a corresponding tradition of high standards of medical and nursing ethics. I stress that, without those two factors, no health system can be either clinically or cost effective. In addition to those important factors there is in this State a tradition of high quality and high quantity of voluntary input.

There is an enormous desire on the part of the South Australian community to be as independent as possible. Of course, that relates to our origins of settlement and it has been a very strong influence on the provision of health services in South Australia. In the metropolitan area our principal private hospitals are significant health institutions in their own right. I refer particularly to the great religious hospitals of this State—St Andrews, Calvary and the Memorial.

In addition to those acute hospitals, mainly serving specialist practitioners for patients who need specialist care, we have the great community hospitals in the metropolitan area—Ashford, Burnside War Memorial, Western Community, Northern Community, North-East Community, Blackwood and other suburban community hospitals. In addition to those, we have the private 'for profit' hospitals, such as those in the metropolitan area—Wakefield Street, Central Districts, Kiandra, and others. Now, I would be surprised (because if it were the case it would have hit the headlines) if any of those hospitals has demonstrated deficiencies which have required legislation such as the kind that we are contemplating, because I do not believe that to be the case. If there had been instances where the law needed to be brought to bear to ensure that minimum standards

were obtained, it would be well known to South Australians. Yet, that has not been the case.

I believe that the standards of care are exceptionally high. This is evidenced by the attitude of accreditation teams when they have visited our private hospitals. As I mentioned, Ashford was the first to receive accreditation. I recall that Central Districts received accreditation some time between 1980 and 1982, and I understand that other hospitals are in the process of assessment at the moment. When one looks at clauses 57b, 57c, 57d and 57e, and at the way in which they could be used, one sees that a hostile Government could use them in the same way that section 17 of the Federal health legislation is being used against private practitioners. It is important to realise that considerable powers already exist at Federal level to control bed numbers and other aspects of patient care.

The Federal Government's legislative power to classify hospitals according to the level of service that will attract health benefits is a significant power. The Commonwealth-State Committee also approves bed numbers for the payment of hospital benefits, although I understand that there has been some challenge to this in recent times through the Administrative Appeals Tribunal. But, I would like to direct the House's attention particularly to clause 57e and its effect on private acute hospitals in South Australia—notably Calvary, St Andrews and the Memorial.

If the power to limit the kinds of services which is proposed under this Bill is used in certain ways it could have quite devastating effects on those hospitals. I understand and thoroughly appreciate that it is in the interests of the taxpayer and the patient that certain specialist services—one might call them super specialty services—should be restricted and provided only through teaching hospitals. There are very good reasons for this. They relate to certain services being justified only on the basis of a certain number of population. South Australia, having a population of only about 1.3 million people, is a very neat health unit in many respects for super specialties.

For example, we have one cancer therapy treatment unit, one for cardiac surgery which is nationally and internationally eminent and well deservedly so, one for neuro surgery, two for co-ordinated renal services units but a single transplant unit, two at this stage (but ideally one) *in vitro* fertilisation units (one at Queen Elizabeth Hospital and one at Flinders Medical Centre), one burns unit at the Royal Adelaide Hospital, and so on. So, there has never been any suggestion that the private hospitals get into this area of super specialty treatment. But, the acute hospitals do get into some quite challenging areas such as orthopaedics, opthalmology, and surgery of various kinds.

If, as could well happen, the Federal Medicare legislation promotes what one might describe as an escape from Medicare by private doctors whose professional status and earnings (indeed, one must be quite frank about that) are threatened because their rights to private practice in public teaching hospitals are threatened, it is enevitable that those doctors will want to transfer their services and try and establish equipment in the private acute hospitals. A Government that wants to stop that simply has to invoke new sections 57c, 57d, and 57e, and it has the complete power over the exercise of private practice in acute hospitals in South Australia.

As I say, that power is immense and it needs to be very responsibly used. There is nothing in the Minister's second reading explanation or the Bill to indicate how that power will be used. New section 57e raises 100 questions. One can ask what will happen to the advisory mechanism for administering these powers? Who will advise the Commission? Will it, as I asked, be the Commissioners sitting as a Commission, who have the final say? Will the decision be made by someone down the line?

**Mr Lewis:** Will it be the Minister?

**The Hon. JENNIFER ADAMSON:** Indeed, will it be the Minister? Will the Minister, using his powers of general direction and control under the Act, be the one who says, 'No, thou shalt not remove that particular kind of body tissue at such and such a hospital,' or 'Thou shalt not treat such and such a patient with such and such a disease at such and such a hospital'? The power is here and it is enormous power which would need to be exercised with the greatest responsibility. What are the guidelines—not a word about guidelines and policies. We have a set of rules in a complete policy vacuum, and the Sax Report has something to say about that.

I might say that the Sax Report in my opinion is a most impressive Report, and I commend warmly everyone who was involved in its preparation. On pages 178 and 179 of the report, Dr Sax deals with the need for State Government controls on the establishment of new hospital services, facilities, and beds in both public and private sectors, and that chapter should be read by everyone who has an interest in this subject. The report makes the point on page 178 that private for profit hospitals are not subject to the same oversight, that is, the oversight that the State Government has over recognised hospitals. The report states further:

> Market forces on the one hand and the Commonwealth Government approval system on the other, determine the location of these facilities.

One might well say, 'Health planning principles on the one hand and the Minister of Health's need to be sure of his union support on the other determine the location of Government facilities,' because it is an equally valid comparison to make. The report states further:

> Theoretically, private hospitals may be located wherever their sponsors desire, providing they conform to local planning standards and public health regulations . . .
>
> Stricter legislative controls in this area have been introduced in New South Wales and Victoria.

On page 179 of the report, Dr Sax makes the point that legislation is needed and that is indeed what we have. The report states further:

> More specifically, State legislation should be aimed at:
>
> - improving the overall distribution of service; that is, to ensure that the geographical distribution and service mix of private hospitals is improved;
> - improving the co-ordination of services between the public and private sectors—

and there are lots of ways of doing that, to which I will refer later, which do not require legislation—

> - eliminating unnecessary and wasteful expansion;
> - improving the quality of services by creating conditions for effective quality assurance;
> - improving public accountability of private hospitals by placing the responsibility for the conduct with the owner(s); and
> - placing responsibility for the approval of private hospital beds, their location and the range of services to be provided in private hospitals with the State health authority.

So far, so good: that is what has been done. The report states further:

> These initiatives, if taken in conjunction with the State's oversight of bed-day subsidies to the private sector, could facilitate the orderly and co-ordinated development of the public and private hospital sectors. They should result in approvals for new hospital facilities, particularly in the private sector, being based on planning criteria for the most appropriate distribution of services. By regulating the volume and distribution of hospital services, duplication and over-utilisation could be reduced or avoided.

Here we come to the crunch:

> The South Australian Health Commission should compile a set of Statewide policy guidelines which clearly define the direction, range and scope of hospital and health services in the State. These guidelines should be available to all interested parties and the

public. They should be the foundation upon which planning for future services is based and priorities for service development determined. It is important that the preparation of guidelines includes input from both the public and private sectors as well as from organisations and consumers of health care.

Here we have it: proved on page 179 of the Sax Report that the Minister's legislation overturns completely the Sax Committee's recommendations. One cannot legislate in a vacuum. One has to have policy guidelines. What are these hospitals in South Australia to do when they see this legislation? How are they to know what their future is to be? At this stage they are completely in the dark. The fact that Dr Sax says that these things are needed demonstrates that they do not exist. The Minister has put the cart right before the horse, and virtually admitted in the other place during debate last week why he had done it. He deliberately chose not to consult, because he wanted to slam the stable door without any warning, lest anyone should escape and lest anyone should take an initiative that may not be approved by him.

That recommendation on page 179 of the need for policy and planning guidelines is absolutely essential to the implementation of new section 57e. Without it there will be arbitrary decisions and enormous consternation in the private hospital sector, a complete state of confusion, and, I venture to say, adverse effects on clinical services and certainly on the possible development of clinical services. Along those same lines, and referring now perhaps more to the few country private hospitals and the smaller hospitals, one wonders at the impact of this legislation on these small hospitals, which generally are designed to service the general practitioner and his or her patients.

In the country, one of the key areas of possible control is likely to be surgery and obstetrics—particularly obstetrics. On page 50 of the report, Dr Sax identifies that position by giving a couple of examples, namely, an unexpected haemorrhage with a tonsillectomy or aspiration of vomit occurring during minor procedures, which may result in deaths which would not have occurred if similar procedures were performed where there was immediate access to emergency care, blood transfusions or whatever was necessary. However, he equally makes the point that patients want to have a right in determining where they will go for treatment, and for some people local treatment is overwhelmingly preferable to a trip to town. Page 57 of the report refers to obstetric care, and some very pertinent remarks are made, that is to say, pertinent to the scope and ambit of this legislation. The report states:

In many country towns there is a perception that the town will only attract and keep its doctor/s if they have the option of conducting a broad ranging practice, including surgery, anaesthetics and obstetrics. If the range of services the hospital provides were restricted the town might not hold its doctors. Without doctors the hospital itself might be forced to close, or convert to a nursing home. As a major source of employment and as a focus for community organisation the continuing viability of the hospital is a matter of considerable importance to civic leaders; a matter with great potential as an electoral issue.

There are few private hospitals in the country in South Australia, and they are mainly located in the district of my colleague the member for Goyder, who I am sure will have something to say on this matter. Dr Sax continues:

Attempts to restrict the role of smaller hospitals (with regard to the range of surgical services provided) would be expected to face political and legal obstacles. The successful implementation of such a policy would be facilitated by a much greater consciousness of the technical dimensions of quality of care among board members and the public generally. It would appear to us that this process of consciousness raising should be approached across a broad front with the gradual implementation of peer review, delineation of privileges, and hospital role and functions studies among other related initiatives. Any restriction of the range of surgical services provided in certain classes of hospitals should be introduced as part of a balanced approach to quality assurance. It follows from this—

and I stress this point—

that we do not recommend any arbitary restrictions imposed by administrative fiat and based perhaps on bed numbers. We see the existing procedures for developing a negotiated statement on hospital role and functions as being the appropriate avenue through which any restrictions should be introduced.

Again, we have the Minister of Health completely subverting and ignoring a recommendation of an important committee simply because it is too hard. It is so much easier to come in here like a thief in the night slipping a bit of legislation through and then telling everyone about it afterwards, because he then has the power to do what he wants. It is infinitely harder, to raise public consciousness by debate, by logic, by discussion, by precept, and by example to go out into the community and say that these are the choices they have, here is the information, which we believe is in the best interest.

There will be vested interests opposing it in almost every situation. The Byzantine world of medical politics (as it has been quite aptly described, and indeed any other professional politics) will ensure that any Minister of Health always has a hard time when he or she is attempting to promote public debate about clinical standards and cost effectiveness, because someone is always going to be hurt by that debate. The fact is that it must be done, and in the long run it is in almost everyone's interest it should be done in that way rather than in this clandestine heavy-handed legislative way that the Minister of Health has chosen.

I turn now to new section 57e, which goes beyond section (2) *(a)* which provides for the Commission to limit the kinds of health services that may be provided pursuant to the licence and to limit the number of beds that may be provided pursuant to the licence. New section 57e (2) *(c)* prevents the alteration or extension of the premises without the approval of the Commission. The Minister may say that this power is justified in order to prevent indiscriminate growth of services, and I strongly suspect he has certain services in mind that might already be in the pipeline. It may be that that power is needed to prevent the dilution of throughput in the units in teaching hospitals and to ensure cost effectiveness and standards of clinical care, but the way that clause is worded casts the net so wide and so fine that though it may be designed to catch the linear accelerator, it will cover the construction of a lavatory as well. Have you ever heard of anything so ridiculous—that Calvary, Saint Andrews, Memorial, Ashford hospitals and the others should have to apply to the Health Commission before they can alter a kitchen or a bathroom? What a lot of nonsense: it is absolutely unwarranted red tape. If that clause—

**Mr Mayes:** They often ask advice from the Commission.

**The Hon. JENNIFER ADAMSON:** The member who has just interjected out of his seat pointed out that hospitals often ask the advice of the Commission. I know they do, and they invariably get advice that I believe in the main to be good advice, and the relationship I think is good. It was certainly vastly improved between 1979 and 1982. Things may have deteriorated in the last little while. Seeking advice is one thing, but having to go through the red tape procedure of forms, applications, and delays awaiting approval, is another. What happens if a hospital wants to reconstruct its reception area? Under this legislation it has to apply to the Health Commission for approval to do so. I have never heard such absolute nonsense as the breadth of the power in that clause. For heavens sake, why is not that power limited to any alteration or extension of the premises for clinical purposes? It is bureaucracy gone crazy and socialism of the most extreme kind that these hospitals cannot move a brick or install a post without seeking the approval of the Health Commission.

This is the kind of stupidity that is going to aleniate the private sector from the Health Commission, and that is something I do not want to see: in this State the private and public sectors have co-existed happily, and over recent years there have been initiatives (perhaps not major initiatives, but certainly initiatives) that have linked the two closer together. At page 8 the Sax Report states:

> The South Australian Health Commission ensure that 'hands-on/live-in' refresher courses with appropriate locum support are available for non-metropolitan GP obstetricians.

What a marvellous idea. It can only be in the interests of the patient that a general practitioner who is delivering few babies in a country centre should have the opportunity to have a refresher course. It is his patients who will benefit. I dare say the present Minister of Health would ask why we should provide services for the private sector, but the fact is that, if it is in the interest of the patient, we should provide such services. I would strongly urge that that be done.

Many of the recommendations of Dr Sax do not require legislation, they are not costly, and they would exercise the kind of upgrading and consciousness raising of important issues that is needed in the private sector as much as in the public sector. I refer particularly to recommendation 3.3 on page 8, which states:

> The South Australian Health Commission, in conjunction with private hospital managers, take steps to encourage medical staff organisation, quality assurance mechanisms and an increased commitment to each private hospital by fewer medical staff.

In other words, do not have large numbers of doctors all practising at one private hospital and diluting patient throughput. Have a few doctors, each giving more time, thus being able to form professional bonds with their colleagues and with the hospital staff; being able to spend time to have meetings at the hospital to discuss clinical procedures, and to work together to upgrade record standards, instead of having numbers of people hurtling in and out using the hospital as a base for a quick operation, and then going off again. Another recommendation that I endorse states:

> No Government support [shall] be provided to assist the development of accident and emergency departments in private hospitals.

I doubt that any private hospital would wish to move into that area, because it is an extremely costly and demanding area that rightly falls within the public sector. That is the kind of recommendation that achieves, without legislative action, the kind of goal that this Bill is purportedly trying to achieve.

New section 57e (2) *(e)* provides that the Commission may impose conditions 'requiring the installation or use of facilities or equipment of a specified kind not otherwise required by or under this Act'. This provision has cost implications for private hospitals. What did the Minister have in mind when he had this clause inserted? Will he require costly operating theatres to be provided? The Health Commission has standards for operating theatres and, by my assessment, they are opulent standards. I opened some splendid operating theatres in country hospitals when we were in office, and I think that they would have put to shame some of the operating theatres in the Adelaide teaching hospitals. They were superbly equipped, vast and very expensive. Although I do not begrudge the money spent, I consider that, if the Commission is to impose its standards on private hospitals, it will be able to say, 'You can have an operating theatre, but you must have a South Australian Health Commission model theatre, and we will spend your money for you.' If that is the kind of thing envisaged (and there is nothing in the Bill to say that it is not—there is no restriction on that) there are inherent in the Bill considerable cost consequences for private hospitals.

New section 57e (2) *(f)* requires that the premises 'be in the charge of a person with specified qualifications' (and I have no argument with that: it is a proper provision and it should occur) 'and otherwise regulating the staffing of the premises'. The latter power is a huge power to put into the hands of Government: to tell the private sector how many and what kind of staff it will employ. What is meant by 'regulating the staffing'? To me it implies that the State Government can tell the private hospitals that they will employ only union members. There will no doubt be consultation with the unions. Indeed, the unions are the Minister's constituency: being an Upper House Minister, his continuation in this Parliament depends not directly on the support given him as an individual by constituents, but rather on the support given him by the union component of the ALP State Conference that nominates him.

One has only to consider the actions of the present Minister of Health both before and since he came into office to see that there is a clear red (no, I mean thread) running through those actions (that may have been a Freudian slip, Mr Speaker), and that thread suggests that his administrative and legislative goal has been to placate the unions and to ensure their continued support. The power to regulate the staffing of premises is a frightening power to give a Government.

In conclusion, I stress that the complexity of this legislation is considerable. I well recognise that it is difficult for a lay person to come to grips with all the issues involved in the Bill. What on the face of it may seem to be a simple set of issues becomes complex and complicated by the fact that taxpayers' money is being used, even in private hospitals, through Commonwealth benefits and by the fact that people do not use cash from their pockets to pay fees: taxpayers' money is being used. Certainly, taxpayers' money is being used for educating the health professionals engaged in this field, the same as it is being used for educating professionals in any other field, whether it be law, engineering, the arts, etc.

There is an obligation, which probably becomes more burdensome with the development of medical technology, for Governments to play a part in ensuring the maintenance of standards of care, but the State has been enormously well served by its health professionals and private hospitals, probably better served than has any other State, for the reasons I outlined earlier. The private hospitals are there to provide the services, whereas in the main the public hospitals were developed for teaching purposes and to provide services for those who could not afford to pay for them. Therefore, we should not be trying now to place a straitjacket on the private sector if it is in the interests of the taxpayer and the patient that the private sector should develop its services for which there is a justified demand. In this context, I deliberately qualify the word 'demand' by the adjective 'justified'.

I believe that the Bill has been improved considerably by the amendments moved by my colleague in another place and outlined by my Leader. I condemn in the strongest possible terms the Minister's attitude in introducing the legislation so furtively, which he virtually admitted when he said that he wanted an element of surprise. I think that that was a most euphemistic way of referring to the surreptitious introduction of legislation, and I am surprised and disappointed that the media, which might have been expected to play its part in alerting an important part of the health services of South Australia, as well as its clientele—the patients of this State—to what is happening, has not done so, as far as I can see. I have seen no public reference whatever to this legislation which can and, I believe, will have far-reaching effects. I stress that in Opposition the Liberal Party will monitor the effects of the implementation

of this legislation closely and that in Government we will review it in consultation with the private sector to ensure that the upgrading of standards and the co-ordination of services we all seek should occur without the need to resort to Draconian measures.

**Mr BAKER (Mitcham):** I rise to express dissatisfaction with the Bill, not so much in respect of what it says as what it does not say. I also wish to canvass issues associated with the health system, especially the impact of Medicare at the Federal level. Indeed, I believe that it has been the introduction of Medicare that has prompted this legislation. In the Report on Forward Estimates of Budget Outlays produced in March 1984 by the Federal Department of Finance, the following statement appears under section 56:

> Outlays under this function are expected to be $6 045.7 million in 1984, an increase of $1 658 million or 37.8 per cent over the 1983-84 revised estimate. Increases of 10.8 per cent and 11.7 per cent are estimated for 1985-86 and 1986-87 respectively.

There then follow figures on the Budget outlays over the next three years in the health area. For example, medical benefits are expected to increase by 61.9 per cent in 1984-85 over the previous year's total. Hospital benefits are expected to increase by a massive 106.5 per cent on the previous year's outlay. What is disturbing about these figures is that the estimated increase is $1 .350 million.

The Federal Government has imposed a levy of 1 per cent on salaries and wages. It is apparent that there will be an enormous shortfall in the amount of money coming into the Treasury coffers as a result of the levy, compared to increases in costs. I raise that matter because the health budget is becoming a monster in both the State and Federal spheres. Budget outlays in both areas are increasing at a rate greater than the inflation rate, and extroardinary determination is required by Government to restrain those costs. People may well ask what effect Medicare has had on the introduction of this Bill. The answer is quite simple, namely, that because of Medicare there will be an erosion of standards within the health care system. Both the Federal and State Health Ministers have made a number of statements about doctors' incomes and other aspects of health care as they relate to the private sector. There is little doubt that they tend to ensure not only income restraint but also control within the system of people with a vast amount of expertise.

This then raises the question of what those people will do as an alternative. In South Australia we are extremely well served by a very competent and large medical work force. It is very large by world standards in terms of both the number of doctors and the number of beds per capita. The medical profession has a very credible reputation, which should be maintained. However, it could well be eroded under the Medicare arrangements. Taking the Medicare exercise one step further, one realises that a number of people in the public sector, either salaried employees or consultants under contract within the medical areas, will look for alternative forms of operation; they will be unable to countenance a reduction or a suppression of their standard of living as well as their rights to administer health care in the way they see fit.

There is no doubt that with the introduction of Medicare pressure will be placed on those people to seek other avenues in which to practise their skills. This legislation has been introduced because the Government is aware that people with high expertise will not want to be bound by the system and will want to be able to practise in the way that they think fit. They will have no alternative other than to go outside the public health system as we know it today. That is why these provisions have been promulgated—so that there will be an effective restraint on specialists in many of our public teaching hospitals.

It is a sad indictment on the Federal Government that with the introduction of Medicare it did not really understand its long-term impact on the standard of health care in this country. Even though the scheme comes under Federal jurisdiction, I have had more calls to my electorate office about Medicare and the problems it is creating than on any other issue. I have had many calls concerning the payment of the sum caused by the gap between the Commonwealth payment and the fee charged by medical practitioners, as well as complaints about lack of cash payment from Medicare offices. I have received complaints about obtaining beds in public hospitals, as well as about the gaps between fees charged by various private hospitals because of their categorisation and the amount reimbursed by the Federal Government.

It is not working well and the scheme will continue to downgrade the service provided in South Australia and indeed in the rest of Australia. Having said that, I recognise that for a number of years a problem involving hospital beds has existed in South Australia in particular as well as in other States. During the time of the Dunstan Government's empire building and the largesse of that Government, we saw a massive amount of expenditure in the hospital area. Certainly, there was a need for improvement in a number of areas, and the Government of that time is to be congratulated on some of its initiatives, but it went overboard, as is the wont of Labor Governments.

With the vast amount of funds injected into the health sector, hospitals were over capitalised in terms of beds and equipment. Both the Sax and Jamison Committees have pointed to the over abundance of hospital beds in South Australia. They recognised that health services cannot be provided on a cost effective and equitable basis if an excessive number of beds is producing a drag on the system, reducing the ability of the Government to meet priorities in other areas.

A number of recommendations have been made about a reduction in the number of beds in the public hospitals. To the extent that this Bill now controls any new private hospital proposed to be established in the State, as well as existing hospitals in regard to areas into which they can expand and the type of services that they can provide, I believe the aim is to have complete control of the private sector, and this is because of the inefficiencies that have been created in the public sector. The Bill provides for a licensing system based on need, but unfortunately the Government does not specify which guidelines will be used to determine need. This matter has been canvassed strenuously in the Upper House and especially by my colleague the shadow Minister. Again, we are relying on the good graces of the Government to determine the details and fine print in this legislation.

There was mention in this House yesterday of the fine print on insurance policies not coming to the attention of those persons who contract them. There is no fine print here either. We do not know whether the Minister of Health or members of the Health Department will be applying guidelines according to their own ideologies, or guidelines according to the needs of South Australians.

**The Hon. Jennifer Adamson:** You can't; there are no policies, and there are no guidelines.

**Mr BAKER:** Indeed, there are no policies and there are no guidelines. The Minister is being given *carte blanche* (the Minister whose performance in recent times has left a lot to be desired) and also the people within his Department to determine what is need. Had this legislation been introduced under a Liberal Government, I would have total confidence in both the Minister and the departmental officers to exercise this power with justice and with a true perspective. However, with the performance of this Government, there

is not that guarantee. It is of great concern that we are to rely on the whims of the Minister.

As I have some background in the area of planning, I do concede that that is important that there are not excess services provided. I agree that it is important to be able to rationalise our health delivery so that it is cost effective, and I do agree that some private developments add to the cost of Government in terms of infrastructure costs, and that for that reason the Government has to have a strong say in the way in which facilities are provided. So, whilst I have tremendous reservations about the way in which this Act will be interpreted, I understand that the fundamental principles of planning require that the Government must have a say in the way in which the public purse is administered.

The member for Coles has explained clearly the difficulties that could arise in a number of areas in this legislation. She has mentioned the control on new hospitals, and the ludicrous situation of needing the Minister's approval before extensions or alterations of any kind can be undertaken. She has mentioned the question of staff and the control the Minister should have. There is also the aspect of fees which can be charged. The Act, if it were interpreted in the extreme—and extreme as far as I am concerned is the extreme left—could be interpreted as a total control of the private hospital system. Everyone knows that that would be disastrous for South Australia. Everyone knows that totally nationalised health schemes lead to decreases in health delivery, and that the standards of care under that system are much lower than those where private and public hospitals operate in harmony.

I raise the question of principle in this debate because I have reservations about the Minister's capacity to exercise the power which this Act vests in him. He can be assured that members on this side of the House will be watching his future actions in this area very carefully. If he should exercise the power in the way I believe he will, he will feel the full brunt of public outcry. I commend my colleagues in the Upper House and the member for Coles on their contribution to this debate. They have highlighted the difficulties and the lack of consultation, and I join with them in saying that we will be watching the Minister's actions very carefully.

**Mr LEWIS (Mallee):** As is often the case on measures of this kind and other measures relating to tourism, I find that the eloquence of the front bench Liberal Party spokesman on such matters in this place, the member for Coles, is such as to make it almost unnecessary for me to say anything. She has shot all of my foxes in the course of the remarks she made and has drawn attention to the kinds of inadequacies which are implicit in this measure as it comes before us and, if it passes through this Chamber, then becomes law.

There are not only inadequacies in that sense, namely, that the Bill will, if it passes, provide powers which are not the kind that I would like to see any Minister given, leave alone this Minister, without there being some public understanding of the policy to be applied under the powers so established in this fashion. But, also, it is not only those powers in that arena but the powers with respect to what the Commission can insist upon, require from, demand of the owners and operators of private hospitals as provided for under the amended proposed new section 57e (2) *(e)*, which I will come to shortly, that concerns me.

There are powers which include, such as the one I have just mentioned, and powers which preclude or exclude, and all of them will be applied in the circumstances in which there is none and has been no policy debate, no operative mechanism on which the Labor Party in this case in Government can be held accountable. It gave no undertaking that it would do such things as are envisaged in this legislation at the time that it went to the people at the last election, and I do not see that it is legitimate for it to now bring before the Parliament proposals of this kind which it has not been asked to implement by any section of the professional community responsible for the delivery of health care to the people of South Australia.

The Bill, since that is what it is at the present time, is an amendment to the South Australian Health Commission Act, 1975, with some consequential amendments to the Health Act, 1935. The consequential amendments to the Health Act, 1935, which are necessary only to leave certain parts of that Act in place if this measure is proclaimed after passing the Parliament, duplicate and confuse the situation.

So, we can dismiss the relevance of the amendments to the Health Act altogether from the substance of debate. They are consequential on this measure passing and would be a duplication otherwise. Let us look at the implications for the South Australian Health Commission Act, where the amendments are proposed. They relate to private hospitals, in particular. Part IVA addresses the substance of new section 57b to go into the principal Act, which spells out the kind of thing that I find unacceptable for the reasons which the member for Coles has given, but nonetheless unacceptable. Subclause (1) provides:

> No health services shall be provided by a private hospital except at premises in respect of which a licence is in force under this Part.

Straight away that means that, regardless of the emergency of the situation, there is no provision whatsoever to permit health services to be provided in a private hospital that are not already specified under the terms of this Act, such that, if there was a private hospital licensed to provide a particular kind of care which did not involve procedures relevant, say, to cardio-vascular surgery, someone suffered a heart attack, and there was a medical practitioner present who could save the life of that person, if he or she moved and acted with due haste, that would not be permitted. The medical practitioner could be prosecuted and liable to a fine of $5 000.

It does say, of course, that it does not apply in relation to premises licensed as a nursing home or a rest home. That is beside the point. It applies to premises which are private hospitals where a whole variety of health care is provided. The spectrum of their purpose, institution by institution, is very broad at present. Many are specialised and still others are generalised, not delivering trauma care or treatment at all as a purposeful part of their function at the outset. New section 57c provides, in part:

> (1) A person may apply to the Commission for a licence under this Part.
> (2) An application for a licence must—
> *(a)* . . .
> *(b)* . . .
> *(c)* be accompanied by the prescribed application fee.

We have heard no discussion or debate whatever about what the prescribed application fee for the licence is to be. If the Minister or the Government of the day wanted, it could simply make it impossible for a particular category of private hospitals to remain in existence by prescribing the application fee to accompany the application for a licence to be so great as to make it no longer profitable for them to operate. They would go out of business forthwith if they were to pay the fee. There is no hope under the scale of charges that they could expect to have accepted by their patients to recover that fee.

That is one mechanism by which the Government could mischievously put a class of private hospital out of operation at the outset. New section 57d provides:

> (1) Subject to this section, where application is made under this Part for a licence in respect of premises or premises as

proposed, the Commission shall determine whether a licence should be granted having regard to—

And then is listed a number of things which do not really impinge much on the delivery of health care to the community. The first, I suppose, is legitimate enough. We do not want criminals running private hospitals, so the first relates to the suitability of the applicant to be granted a licence. The second provision is:

*(b)* the standards of construction, facilities and equipment of the premises or premises as proposed;

I would have thought that this was more the province of local government and building inspectors. It can only mean, of course, that there will be some considerable duplication now between building inspectors and inspectors from the Health Commission as to suitability and standards of construction. I can understand that about a specialised type of building where it relates to clinical suitability of facilities established or to be established.

As the member for Coles pointed out, that is probably legitimate. However, for the Health Commission to be involved in determining whether the incinerator is strong enough, the scantling timber to be used for ceiling joists or wherever else is, to my mind, literally utterly and completely stupid. New paragraph *(c)* should be coupled with new paragraph *(e)*. They are a bit of a duplication at the moment. New paragraph *(c)* provides:

The scope and quality of the health services proposed to be provided in pursuance of the licence;

And paragraph *(e)* provides:

the adequacy of existing facilities for the provision of health services to persons in the locality;

Those two things I would have thought were virtually identical—looking at the same problem from opposite sides. If the health services that are proposed to be provided by the facility are adequately provided elsewhere in the locality, whether we are looking at it as a State scene, with specialised facilities, they are just on the local scene for a particular community of people, they refer to the same subject. But, just to make sure the whole damn thing is wrapped up tight and there is no way around it, I guess that the Government, in its usual paranoia when it comes to matters relating to health, through its spokesman, the incumbent Minister, the man who only ever takes his foot out of his mouth to kick himself in the head, decides to put it together in this fashion. New paragraph *(d)* provides:

the location of the premises or premises as proposed and their proximity to other facilities for the provision of health services;

That is a complete duplication, as I mentioned a few minutes ago. New paragraph *(f)* provides:

any proposals for the provision of health services to persons in the locality through the establishment of new facilities or the expansion of existing facilities;

It is getting pretty tight. I see all four paragraphs as being restatements of the same objective without achieving any additional legal or legislative elegance in their statement. If that was not enough really, we have new paragraph *(h)*:

any other relevant matter.

Nowhere in the Bill is the word 'relevant' defined. Nowhere in the principal Act is the word 'relevant' defined. So, it is left as a completely subjective interpretation to officers of the Commission or, more particularly, the Minister: a completely subjective interpretation, so it does not really matter.

One does not need paragraphs *(a)* to *(g)*; one only really needs paragraph *(h)* with the word 'other' deleted. One could just have 'any relevant matter' and go ahead and decide day by day according to one's whim (or, if it not whimsy, it might be political bloody mindedness, which is more likely to be the case with this Minister we have at present). He has a penchant for getting it all wrong from the start and never quite getting it right, even in the finish. I worry about all of that, because I see that as having serious implications for country hospitals that serve communities such as those I represent.

I am sure that members are well aware, including you, Mr Speaker, that Mallee is a vast area of the settled areas of South Australia, some of which has never been proclaimed as part of the hundreds in the county of Chandos, for instance. There are many small communities isolated geographically throughout that electorate, all of which have provided themselves with hospital facilities. Over the past few years the most recent have concluded that kind of programme. Some remarks were made recently at Murray Bridge at the opening of the extensions to the Murray Bridge hospital that it is ultimately the intention to close down in substantial part those hospitals in that region said to be serviced by Murray Bridge, at Karoonda, Lameroo, Pinnaroo, Tailem Bend (I should have mentioned Tailem Bend at the head of the list) and Meningie, and turn them into nursing care homes.

I have heard the comment off the record that the ultimate intention is to use air ambulance to shift people needing urgent medical attention for trauma of one kind or another, the helicopter then to shift them from the outlying areas, such as Pinnaroo (which is 100 miles away from Murray Bridge) and further afield, into the Murray Bridge hospital, and leave those country hospitals to which I have just referred as nothing more than nursing homes, that is, medical and aged care—rehabilitation one might say after the initial surgery is completed and the patient's condition has settled down somewhat.

That might be all right if it is for a matter of only two or three days, but in most instances it is somewhat more than that. Moreover, it means that the patient is removed and isolated from his family and friends to a location where they are inaccessible to the patient without considerable expense and, what is more, no public transport between themselves and that hospital. I am sure that that will have the same effect on many of the hospitals in the member for Eyre's electorate if and when it is ultimately introduced. I raise the matter now, because this clause in this Bill will make it impossible for those communities to establish their hospitals as private hospitals, do away with deficit funding, and operate in the same way as the Keith hospital did and still does.

However, of course, in this Government's ideological bloody mindedness, it is not prepared to pay the Keith hospital for any contract beds to enable people seeking public ward accommodation to obtain it in that hospital. It will not do it in principle to start with, but the negotiating point at which it is prepared to kick off is that, if they are given beds in category three in the general order of reimbursement, it is about $80 a day. There is not one public hospital in the metropolitan area that can provide a public hospital bed at that figure. They could not even provide it at 150 per cent of that figure, that is, $120, yet they suggest and expect that private hospitals in Keith and elsewhere in South Australia will have to provide contract beds (if they are given contract beds) for public ward accommodation for people wanting Medicare beds in that public ward accommodation standard at that cut rate price.

The hospital itself will be forced to lose money for the benefit of the Government, because this Government hates private enterprise, especially in the delivery of health care. I reckon that, if they provide those beds on contract in hospitals like the one at Keith (and I am sure that the member for Goyder will tell us about Mallala and others in due course), they at least ought to pay the same amount as it would cost where they are provided in other public hospitals so registered and financed in the metropolitan area or even in the bigger provincial towns like Whyalla,

Port Augusta, Mount Gambier, or Murray Bridge for that matter. I think that it would be only just and fair that they do that. It is not legitimate or reasonable that they do not.

However, that being what it is the Government will choose whichever course it wishes, and in my district at any rate it can expect the support from electors to fall even further at the next election than it has already. I will not be happy until it is annihilated. When it gives up bothering to put the name of a candidate on the ballot paper, I will be satisfied that I have done my job. However, in the meantime I will ensure that the public understands the kind of policy, short and long term, which I believe the Government is pursuing. It will destroy ultimately the provision of health care in communities that are isolated and where patients in those hospitals are readily accessible to their friends and relatives for the purpose of giving them moral support and encouragement through their illness, because it rules out the prospect of those hospitals, once they are forced under function studies, to downgrade to nursing homes and the like as suggested in the Sax Committee Report.

I think that Tailem Bend is the first example and Blyth is the other one appearing on page 182, but I do not have my copy of the Sax Report here. It is doing the rounds of my constituents in Mallee, who are very interested in its contents. This clause prevents those communities from ever again having a hospital of the kind that they thought they were building for themselves at the time they raised the funds necessary for the capital works involved. When one considers the funds that were raised, they do not seem to be a great amount of money, but at the time they were substantial efforts made by those communities to raise those funds and put the facilities together. It is the consequence of the effects of inflation that now make them seem as though they were mole hills, and I merely speak about mole hills as if they were mountains.

However, in the days when they were first put there they were indeed mountains for those communities, and those communities climbed them in providing themselves with that kind of health care. New section 57d (2) relates to a prescribed fee and again we do not know what that is to be. That is a fee, in addition to the application fee that has to be paid before the licence will be issued, and the licence will be for only 12 months, anyway. New section 57e (1) provides:

A licence under this Part shall be subject to such conditions as the Commission may specify by notice in writing given to the holder of the licence.

It does not say when that will be given, merely that it will be given and they have only 30 days to comply, to which I think reference is made in new section 57e (4). New section 57e (2) *(a)* states further:

Without limiting the matters with respect to which conditions may be imposed—

all that gobbledegook simply means 'without limiting anything else at all'—

the Commission may impose conditions in respect of a licence under this Part—

*(a)* limiting the kinds of health services that may be provided pursuant to the licence;

*(b)* limiting the number of patients to whom health services may be provided on a live-in basis at any one time pursuant to the licence;

*(c)* preventing the alteration or extension of the premises . . .

The member for Coles referred to this clause, and I do not have a lot of time to refer to it, but it simply means that a hospital cannot even change the toilets or the kind of material on the guttering of a roof nor put a new stove in the kitchen or rearrange the kitchen furniture or anything like that without getting approval from the Commission to do so. The Commission can impose whatever conditions it likes on any such alterations. Subsection (2) *(d)* prevents the installation or use of facilities or equipment of a specified kind without the approval of the Commission. I have just mentioned that.

Subsection (2) *(e)* is another means by which the Commission can send private hospital proprietors broke; it ensures that any licence holder will install or use facilities or equipment of a specified kind, not otherwise required by or under this Act. In other words, put it there, or the licence will be cancelled. That is a great way of depleting any capital reserves a private hospital might have, and could be, I suggest, knowing this Minister's form, the kind of thing he would do, demanding that the more expensive, unprofitable, as it were, esoteric unlikely services be provided by private hospitals in terms of capital investment that is required; if they want to do something else then they will have to put in this megadollar cost equipment.

Subsection (2) *(f)* requires that the person in charge of the premises be a person with specified qualifications. It does not say anything about what those qualifications will be, but the principal Act does, and I hope that they are to be no more or less than will apply in a public hospital of the same kind, type, and size. The Minister has made no policy statement about that. Subsection (3) provides:

The Commission may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further such condition.

Thirty days are given in which to comply, so every month the hospital proprietor will have to go 'ring around the rosy' if the Minister is hard to get on with, and there is no way to get around it. The Bill provides that the Commission has that power and even though elsewhere it provides for an appeal it does not say on what grounds or for what purpose an appeal can be lodged. The Supreme Court can only hear submissions about the legislation as it is written, and cannot decide whether it is unfair or unreasonable. The Commission is also appointed as the body to which the licence holder can appeal, and that is Caesar to Caesar and, hell, given the nature of this Caesar, the Hon. John Cornwall, I would not like my chances in the first instances, leave alone on appeal.

Clause 57g provides for an annual licence fee. This has not been discussed with the Hospital Association and it has not been discussed with anyone. There has been no consultation and no consensus: it is an unreasonable demand made upon people who now provide such facilities to be lumbered with such an open-ended blank cheque approach, the purview that this Bill suggests. The licence holder of course shall lodge with the Commissioner an annual report containing the prescribed information and that information is anything the Commission wants to prescribe. I can understand the Commission needing to collect a whole lot of information, but I cannot reconcile that with the requirements of new section 57k which could be used to aid and abet the provisions of compulsory unionism for which this Government has a penchant. New section 57k (1) provides that the Commission may appoint suitable persons to be inspectors for the purposes of this section. New section (2) provides:

An inspector appointed under subsection (1) may, at any reasonable time,—

it does not define 'reasonable'—

enter the premises of a private hospital and while on the premises he may—

*(a)* inspect the premises or any equipment or other thing on the premises;

*(b)* require any person to produce any documents or records;—

that includes the receptionist at the front desk—

and

*(c)* examine any documents or records and take extracts from any of them or make copies of any of them.

I know they need the information, but I do not think it is reasonable for an inspector to be able to move in with this kind of Draconian power and demand of someone at the front desk that he be provided with access to that kind of information and those kinds of records without concern whatever for the confidentiality of some of the material that would no doubt be on record about patients. It does not specify anything about privacy or human rights of the individual concerned. It just gives the inspector every power to do that, it does not have to relate it to health matters. I think that is crook.

**The SPEAKER:** Order! The honourable member's time has expired. Before calling on the member for Goyder to address the House, I am sure honourable members will join me in congratulating him on a new addition to his family with a nice baby girl.

**Honourable members:** Hear, hear!

**The SPEAKER:** The honourable member for Goyder.

**Mr MEIER (Goyder):** Thank you, Mr Speaker, and thank you for your wishes. Mother and daughter are both well and in good care in one of the country hospitals, which will be affected by this legislation and whose rights I wish to protect. Several features of this Bill disturb me, the first of which is the way in which this Bill was handled in the other place. I am concerned about certain words that were said in the other place by the Hon. John Cornwall, Minister of Health, as follows:

> It appears that the Opposition is not ready to go on with this debate, although it has been on the Notice Paper for a fortnight. It is extraordinary that the Opposition is not ready to go on with any of the Bills that I am handling on my own behalf or at least three on behalf of my colleagues in another place.

Various other words were said at that time, but I do not believe it was extraordinary at all, because when the truth is known it will become obvious that a minimum of consultation was made in relation to these amendments to the principal Act. In fact, further on in his speech the Minister also said:

> One area was rationally licensing private hospitals because we had to have a certificate of need, and we needed it rather urgently. There are several things already on the boil that have really induced me to bring in this Bill now—instantly—rather than leaving it until the Budget session. I will not recount those things in fine detail, but suffice to say that in some ways I believed that an element of surprise, if you like, was necessary.

To me it is almost extraordinary for this Minister to be saying that an element of surprise was necessary when we look back to statements made by the Government and Government Ministers when they first took office in November 1982. They talked about consensus and consultation, and various Ministers at that time said that the new Labor Government would not be going ahead with things without proper consultation. Yet this Minister of Health quite clearly has said that he is not even apologising for a lack of consultation in relation to this amending Bill. He said:

> Of course, the legislation was strongly recommended by the Sax Committee, and I had a real fear that, if I walked about the countryside consulting with everyone in sight and flagging our intention, we might end up with a lot of CAT scanners, a lot of additional beds, a lot of plans to increase the supply of acute care beds in the private sector being lodged with councils, and a range of things over which we would subsequently find that we had no retrospective control. I do not apologise in that sense for a certain element of surprise in the introduction of this Bill.

I am disappointed with the Minister's attitude in this respect, because the next point that he takes up is the fact that five out of the six private hospitals in country areas are situated either in the present Goyder District or in the new Goyder District. Mallala, Ardrossan and Hamley Bridge hospitals are in the present Goyder District, while Kadina and Moonta hospitals are in the new Goyder District. The sixth private hospital in the country is at Keith. All six hospitals are currently licensed by the local board of health. The Minister also tried to excuse the lack of consultation before the introduction of this Bill. While the Minister was speaking, the Hon. Dr Ritson interjected:

> Nevertheless, most councils are unaware that the Bill is before Parliament.

The Minister replied:

> That is perfectly true. I cannot consult with 125 individual councils when I want to introduce legislation for which I consider a substantial degree of urgency exists. Of course, many councils are not concerned with the Bill in any way, shape or form. There are not enough private hospitals to go around. We have still something like 125 councils in the State and just in excess of a score of private hospitals, even if we take into account all community hospitals and the 'for profit' hospitals.

However, I point out that the Minister is not dealing with 125 councils in the rural areas. In fact, he would be dealing with the District Councils of Mallala, Central Yorke Peninsula, Wakefield Plains, Kadina, and Moonta, and the district council in whose area the Keith hospital is situated. It would not have taken too much trouble to consult with those councils, at least to inform them and preferably to initiate discussions with them. The Minister criticised the Opposition for not being ready to debate the Bill after two weeks, but the Opposition even then did not have time for consultation with appropriate bodies such as the Local Government Association, individual councils, the Australian Hospitals Association, the Australian Medical Association, the Royal Australian Nursing Federation, the churches, and the hospital boards. Indeed, the Minister's excuses do not bear up under scrutiny.

That is the way in which Opposition members saw the Bill introduced in another place, and now we have it here. I am worried about the future of some hospitals in the Goyder District, and the private hospitals are my main concern. The member for Mallee pointed out that the Sax Committee recommended that the hospital at Tailem Bend should become a nursing home and that, when objection was expressed in the district, it was pointed out to the authorities at Tailem Bend that they should not get upset because, by the time the hospital at Murray Bridge had reached stage 4 of its upgrading programme, not only would the Tailem Bend hospital become a nursing home and to all intents and purposes be closed, but the same would happen at Pinnaroo, Lameroo, Meningie and Karoonda. It is such insinuations as these that cause me to worry for the future of the hospitals in the Goyder District.

Without exception, the hospitals in my district are cost efficient: that is, they are operating at a cost of between $85 and $95 per patient per day, whereas some of the larger city hospitals are operating at a cost of between $150 and $180 per patient per day. Indeed, some months ago the *Advertiser* reported that a certain Government hospital was operating at a cost of $300 per patient per day. I recognise that our smaller country hospitals do not have the same equipment as our larger city hospitals have, but no-one has advocated that these small country hospitals should go in for major surgery involving specialist attention. That is a need for which selected larger hospitals should cater.

The hospitals at Mallala, Ardrossan and Snowtown are situated close to major highways. The Minister of Transport would be the first to recognise that the recent Easter road toll was disastrous. Unfortunately, accidents will occur. We hear of the fatalities, but many accidents result in serious injury. The hospital staff at Ardrossan and Mallala dread long weekends because they know that the demand on their services and their patient intake will increase then. Both hospitals are relatively close to the scene of most of the accidents, so medical treatment is not far away for the victim. An ambulance can get the victim to the hospital

quickly, and many accident patients are treated at both the Ardrossan and Mallala hospitals.

The closing of those hospitals would mean that accident victims would have to travel farther for treatment, with the natural consequence that some would die. Further, the Ardrossan hospital has applied, through me, to be a hospital where blood tests can be carried out to ascertain the blood alcohol level of accident victims. Unfortunately, we have been unsuccessful in our application, mainly because only one medical practitioner is usually on duty at the Ardrossan hospital whereas two doctors must be in attendance at a blood alcohol test. However, the local general practitioner has recognised the need in this respect, because he says that many accident victims request to be taken to the Ardrossan hospital rather than one of the nearby hospitals, simply because they know that they will not be subject to a blood test there.

The report of the Sax Committee has been referred to several times in this debate. In many ways that report is positive and a step in the right direction but I am disturbed by certain of its recommendations. The member for Mallee said that the Tailem Bend hospital had been singled out, and I believe that another hospital to be singled out is the one at Blyth. Having often visited Blyth, I know that the people there are concerned about the future of their hospital, and I am concerned that the recommendation as to the future of that hospital was drafted by the Sax Committee without any of its members visiting Blyth. To suggest that Blyth hospital should virtually close its services without an inspection being carried out is disappointing. Blyth hospital has changed considerably over the past eight months as a result of the appointment of a new resident general practitioner.

Previously a GP had come from the adjoining town of Clare and sometimes the service was not as regular as people would have liked it to be. As a consequence, the hospital suffered a decline of patient intake numbers. Daily patient numbers have increased at the Blyth Hospital, and the people there are very happy with the medical services that they are receiving and are appreciating more and more the benefits of having their own private hospital. That is the situation with many other hospitals in the Goyder District. All the hospitals in that area, both private and public, are such that the local communities take great pride in them. I refer to the hospitals at Mallala, Hamley Bridge, Riverton, Balaklava, Blyth, Snowtown, Maitland, Ardrossan, Minlaton, and Yorketown, as well as hospitals at Kadina, Moonta and Wallaroo (which are in the area encompassed by the new boundaries of the electorate of Goyder).

In a sense it is a slap in the face for people who have worked solidly in their community for the benefit of their private hospital to be told that the Health Commission will now license private hospitals and that the licensing process will be taken away from local government. This is especially so in view of the fact that local people were not consulted. It is almost as though they are being told that because they are not good enough this area of responsibility is being taken away from them. I am not saying that in the longer term the Health Commission will not do a better job with the administration of these hospitals, but I object to the way that this is being done in a negative way. Surely, the local hospitals could have been consulted and given some encouragement, or at least the chance to put forward their views. However, that did not occur. It is a takeover, without a shadow of doubt. This is a great disappointment to me and to the hospitals involved, although in some cases they do not know that this is occurring.

The points made by the member for Coles, as the Opposition member responsible for handling the Bill in this House, were very relevant, and I draw to the attention of members the points that she made. I will not canvass those matters again because I think they were quite clearly and explicitly stated. However, I again express my dissatisfaction and disappointment regarding this Bill's introduction without prior consultation. Perhaps the highlight of the matter is that it is evident that, as a result of this legislation, the Commission may impose conditions limiting the kinds of health services that may be provided. No specific statements are made as to what conditions might be imposed, but I am only too aware that the conditions might include a reduction in the number of beds as well as a decrease in facilities and specialist services provided. I doubt very much whether the Health Commission will build up private hospitals, although if that occurs I will be the first to compliment the Health Commission for doing so. What happens in that respect will become evident at some time in the future. The Bill provides:

> . . . the Commission may impose conditions . . .
> limiting the number of patients to whom health services may be provided . . .
> preventing the alteration or extension of the premises without the approval of the Commission;
> preventing the installation or use of facilities or equipment of a specified kind . . .
> requiring the installation or use of facilities or equipment of a specified kind . . .
> . . . regulating staffing.

I wonder how far it will go. Does it mean that if a hospital wishes to upgrade a reception area or a toilet facility it will have to seek permission to do so first? The hospitals will be under the thumb of the Health Commission, and possibly community input and concerns will come second, depending on decisions made by the higher authority. Since the introduction of Medicare most of the hospitals have been placed in category 3, which means that they will get less money. It seems to me that little equality is coming out of Medicare for private country hospitals. In fact, there is now greater inequality existing. If one wants hospital care in country areas one has to have private insurance—there is no choice. However, when these hospitals have made application to the appropriate authority for community beds (referred to earlier as contract beds), that is, beds set aside for public ward patients, those applications have been refused, and this has not involved a large number of beds.

In fact, I think in the case of the Mallala hospital it was asking for only two or maybe three community beds to be made available. People who are injured and who are not insured have to pay their own hospital fees from the moment they enter one of those hospitals. Women who are not privately insured do not have the option of having their confinement at their local hospital, which places them at a disadvantage. It seems to me that Medicare is a wedge also helping to bring about the end of private hospitals.

I emphasise the need to retain our country hospitals wherever possible, assuming that they are cost efficient, by referring to the incident that occurred some weeks ago involving a child of a member of this place who had contracted a serious virus which necessitated rushing that child to hospital without delay. Thankfully, that child was saved, but had the child not received urgent hospital care the worst could have occurred.

If this licensing procedure leads to the eventual closure of certain private hospitals (because by the stroke of a pen the Health Commission will be able to close them), the Minister of Health could be charged with taking a course of action that could possibly be to the detriment of the health of our children or grandchildren. Their health could be jeopardised when they need to be rushed to hospital urgently but there is not a hospital close by.

For the reasons I have enunciated, I oppose that part of the Bill. I hope that I may be proved wrong and that the

Commission takes a positive view in deciding to increase the size of private hospitals and to upgrade them. However, at this stage I cannot see that occurring. I give an assurance that together with other members in this House I will continue to fight for the retention of our country hospitals. I know that there are many thousands of constituents who will continue to fight for the retention of country hospitals so that people living in the country will be able to continue to receive a high level of hospital and medical care.

**Mr GUNN (Eyre):** I commend the member for Coles for her detailed analysis of this legislation. As a member with a large number of hospitals in my electorate, it has been one of my prime concerns since I have been a member of Parliament to make sure that my constituents have access to adequate health services. Over the past 14 years I have made representations on behalf of many communities to have their hospitals upgraded and improved. I hope that this legislation and other legislation in the future will not be used to centralise hospital and medical care in this State. As a member who represents more than 80 per cent of South Australia, I think it would be unfortunate if action was taken to over-centralise. That policy has been carried out in the Education Department in relation to schools: in many cases it has been necessary, but before there is any further centralisation of health services the matter should be looked at very carefully.

As a person who has had access to private health facilities in this State on a number of occasions, I have nothing but praise for the Calvary and St Andrews hospitals. I learnt to walk again at the St Andrews Hospital, and I was very well treated at Calvary Hospital, where I had the best rest since becoming a member of Parliament. I have had children attend the Adelaide Children's Hospital and no-one could complain about the services that that hospital provides. However, I could complain most vigorously about the lack of adequate parking facilities around that hospital and I have done so to the appropriate authorities in the past and could do so again in the future. I was pleased during the term of the previous Government with the assistance given to my area in relation to hospitals, particularly the Coober Pedy hospital, which could be described as one of the best designed hospitals in any country area in South Australia.

**The Hon. Jennifer Adamson:** In Australia.

**Mr GUNN:** I correct that: in Australia. When friends visit I like to take them to that hospital and show them what can be done in a difficult environment. It is essential that encouragement be given to hospital boards and staff. It is disturbing to see the type of comments recently made in relation to the Port Augusta Hospital. In today's edition of the *News* an article headed, 'Hospital crisis as nurses set to walk off' states in part:

> Allegations that Port Augusta nurses refused to accept their training certificates from the Health Minister, Dr Cornwall were denied by hospital administrator, Mr L. Cheers. He said the hospital management had made a 'bad decision' to invite Dr Cornwall to present certificates to nurses.

Note that: 'a bad decision'! The article continues:

> Dr Cornwall had been expected at Port Augusta to open a fete on Sunday and had been invited to extend his visit to include the presentation on Friday night. 'Naturally nurses were upset at not being counselled, and luckily Dr Cornwall could not come,' he explained.
>
> A former board Chairman, Mr J.C. Fullerton, this week slammed services and said patient care was suffering. Dr Cornwall immediately announced a major rebuilding programme for the hospital.

No matter what one builds, if there is not satisfied or adequate staff, nothing will be achieved. I was amazed to read those comments. My only knowledge of the Port Augusta Hospital has been when I have sometimes called at the Flying Doctor Service, and I know of their close relationship which to my knowledge works very well.

I am perturbed, to put it mildly, at some of the provisions in this Bill. In the House this afternoon, the member for Elizabeth cast grave doubts on the powers which the South Australian Police Force has at its disposal. Instead of worrying about the best Police Force in Australia, I suggest that the honourable member draws his attention to the—

**The ACTING SPEAKER (Mr Ferguson):** I draw the honourable member's attention to the Bill.

**Mr GUNN:** I am dealing with the Bill, and for the Acting Speaker's edification I will explain in some detail and read the appropriate clause that causes me concern. It also caused my colleague the member for Mallee some concern, and I am sure that you, Sir, would have read it and as a fair minded man, would share my views. The provision reversing the onus of proof is a bad provision and ought to be removed. Unfortunately, in the drafting of legislation there appears to be a trend that wherever possible we should reverse the onus of proof. If the member for Elizabeth would like to put his talents, undoubted as they are, to protecting people's rights, I suggest that he should give close attention to this and a number of other measures which will come before the House. On the question of unlimited powers of inspectors, I have given chapter and verse to this House on what has occurred in the Highways Department. When inspectors are given such wide powers, they are subject to abuse. Unfortunately, people who are inadequately trained to use these powers sometimes allow them to go to their head, which is quite wrong.

**Mr Hamilton:** Always knocking, aren't you?

**Mr GUNN:** The honourable member can interject as much as he likes out of his seat, but if his constituents were affected, he would be jumping up and down. If it was anything to do with the railways, we would hear chapter and verse from him. I make no apology for what I have have said or for criticising the powers of inspectors and reversing the onus of proof in this provision, because it is thoroughly bad.

I am concerned to make sure that actions are not taken against private hospitals, which have done a good job for the people of South Australia. The Minister of Health has indicated that he wants to have final say over appointments to hospital boards. That is a despicable course and I am opposed to it because, from my experience, people serving—

**The Hon. Jennifer Adamson:** That is recognised hospitals, not private ones.

**Mr GUNN:** Yes, recognised hospitals. In the country areas, these people have done a fine job, given their time for nothing, and worked hard to improve the health services in their district, and to have the Minister putting his sticky fingers in this area is just not required. The Minister is trying to politicise those matters. The hospital boards in my area have operated well and have given good service to the people, although that is not to say that there cannot be improvements. However, I am concerned at the manner in which the Government is handling this matter. I could say more but I do not wish to do so: the debate has gone on long enough.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'Insertion of new Part IVA.'

**The Hon. JENNIFER ADAMSON:** I seek your guidance, Mr Chairman, on the way in which we should approach this clause, which embodies a number of new sections to be inserted in the principal Act and which comprises the philosophical substance of the Bill. Is it your ruling that each member shall have only three questions on the whole of clause 10, or would you permit questioning on each of

those new sections to be inserted in the principal Act, taken as separate clauses for the purposes of Standing Orders?

**The CHAIRMAN:** The honourable member is placing me in a difficult situation. Previously, in relation to another Bill, Standing Orders had to be suspended to allow for a clause to be dealt with separately; in this case, Standing Orders have not been suspended. I do not know whether it was the Government's intention to do so but I am assured now by the Minister that the Government has no such intention. So, I cannot allow the honourable member to deal with it separately; it must be dealt with clause by clause.

**The Hon. JENNIFER ADAMSON:** Thank you, Mr Chairman. That places the Opposition in a somewhat difficult position, with a single clause spanning five pages. However, with the Minister's indulgence and willingness, I hope to take up some of the points raised in each of my three questions so that we may be able to overcome the difficulty. As the Committee will appreciate, clause 10 embraces all the powers that are to be conferred upon the Commission by the transfer of licensing of private hospitals in South Australia from local government to the Commission.

The clause conveys enormous powers on the Commission. I refer particularly to those identified at page 3 under clause 10, new sections 57d (1) *(a)* to *(h)*, and ask the Minister what will be the guidelines and what will be the policies which the Commission will use as its yardstick in determining such matters as standards of construction facilities and equipment of premises seeking a licence, scope and quality of health services proposed to be provided in pursuance of the licence, location of the premises as proposed, adequacy of existing facilities, and establishment of new facilities. All of these matters most people would acknowledge require subjective judgments, particularly when it comes to matters such as location in regard to proximity to other facilities for the provision of health services and adequacy of existing facilities. That is very much a judgment in the eye of the beholder, the beholder in this instance being the applicant, namely, a hospital board, the potential catchment area of private patients and medical practitioners.

As I pointed out in the second reading debate, even the Sax Report acknowledges that there are no guidelines—the Commission has to prepare them. Where do we stand? In a complete vacuum! It is clear that the Minister of Health introduced this legislation furtively and in haste, by his own admission, because he wants to make sure that nothing happens over which he has no control. The Committee and the private hospitals that are to be affected by this clause are entitled to know what are the yardsticks going to be. Who is going to set them, what will be the consultation process in setting the yardsticks and, with the Minister's indulgence, I raise a final point to which I referred in the Committee stage—will it be the Commissioners sitting as a Commission that authorise or refuse to authorise these licences or will not the licensing decisions reach that level? Will they be made at a lower level?

**The Hon. G.F. KENEALLY:** Perhaps I should deal with the last point first, the question raised by the honourable member about who will be actually responsible for licensing, whether it will be the Commissioners themselves or whether that authority will be delegated to officers of the Commission. It will be delegated to officers of the Commission, but it has not yet been determined who they will be. I understand this is normal practice. I draw the honourable member's attention to the Radiation Protection Act in which a similar formula prevails, where authority is vested in officers within the department.

The honourable member also asked about powers included in granting of licences under new section 57d. I draw attention to paragraph (1) *(b)*:

> the standards of construction, facilities and equipment of the premises or premises as proposed.

Those standards are already established under the Health Act, so there will be a transfer of them from that Act. The other matter that she raised, which would include *(a)* and *(c)* to *(h)*, have yet to be determined. But new section 57d, of course, provides guidelines. As I said, the Commission has not developed any further detailed guidelines.

Metropolitan hospital planning framework already exists, which will be a reference point. Others will be developed from time to time. I draw the honourable member's attention to a document of which she would be well aware, the South Australian Health Commission document 'Metropolitan Hospitals Planning Framework Proposals'. The Commission will look at whether any standard conditions of licence are necessary, but it would often be simply a matter of looking at each situation as it arises having regard to the criteria set out in 57d.

**The Hon. JENNIFER ADAMSON:** The Minister's answers have confirmed my worst fears and I believe those of private hospital boards. His last remarks virtually confirm an *ad hoc* situation—dealing with each matter as it arises. That is not good enough. I know that the metropolitan planning report for hospitals sets out the ideals. I also know that there has not been a single initiative by the Government to close one hospital bed in the Adelaide metropolitan area. I think it would be an absolute scandal if the Minister started to use his powers under this clause to close any beds (actually those powers exist under the succeeding subclause), or to refuse to approve any expansion of private hospital beds when he refuses to bite the political bullet and close beds in public areas where there is an oversupply.

So, that point needs to be made. I questioned the Premier on this in the Budget Estimates Committee last year on the health lines: when was the Government going to act to close hospital beds where there was an oversupply so that funds could be diverted to areas of need? He simply refused to give any undertaking that anything would be done. It is just not good enough for a Government to refuse to take the hard decisions which affect it politically but to take unto itself the power to make hard decisions which will affect boards.

On that note, it is relevant to respond to the Minister's answer to my question that licensing powers will be delegated by the Commission to officers who have not yet been determined. I believe that it is quite wrong to make a comparison between the Commission's power to delegate its powers under an Act like the Radiation Protection and Control Act, and the power to delegate licensing decisions to officers under this Bill. The amendment to the Health Commission Act about which we are talking affects lives, as does the Radiation Protection Act. It also affects livelihoods, investments and incomes. The refusal to grant a licence is a matter, I would suggest, of considerable moment to the person who either owns the property or wishes to construct a building, or whatever.

I think that, if the Commissioners sitting as a Commission simply delegate these powers on matters which affect considerable amounts of capital, then the people who will be affected by this legislation will not have any confidence that all their rights have been given genuine consideration, not by a single officer of the Commission (who knows—someone at a low or medium level) but by responsible people appointed by Executive Council to make decisions of this kind.

Dr Sax says that many of these decisions have strong socio-political overtones. I do not think that it is right that they should be taken by a single officer delegated by the Commission to do so. I believe that the Commissioners sitting as a Commission should consider these matters and,

in saying that and referring to what I said earlier about the failure of the Minister to consult with all the relevant bodies, what is the Commission's view (that is, the Commissioners sitting as a Commission) in relation to this aspect? When did the Commissioners sitting as a Commission give their approval to this legislation and determine the content of the legislation as it relates to the total health system in South Australia?

**The Hon. G.F. KENEALLY:** I think that the honourable member appreciates that that sort of detail and information would not be available to me, but I will certainly pass on her comments to the Minister to respond, and I feel sure that he will do so. I think that I should have probably enlarged on my previous remarks as to who would be the licensing authority. The honourable member has pointed out that the Commissioners sitting as a Commission ought to be the licensing authority. I have been advised that the decision has not been made, so that option is still available.

The other option is that there could be an expert committee responsible to the Commission established by the Commission, which might have that power and, thirdly, it might be a power vested in officers of the Department. I want to make one point very clear: it seems to me that the honourable member is suggesting, or it is certainly implicit in her remarks that the Minister will be making political decisions in relation to private hospitals and imposing his political viewpoint upon the hospitals as a whole. That criticism is no more relevant in the present situation than it is with any other Minister, and anyone who has an intimate knowledge of the Health Commission and the size of the task the Minister in charge of the Health Commission knows that Ministers will not be involved in the day-to-day running or decision making of individual hospitals.

They also know the separation of powers between the Commission and the Minister, although the Commission ultimately is responsible to the Minister. So, quite rightly the Minister cannot be divorced from decisions of the Health Commission, but nevertheless the concept that the Minister will be involved in the day-to-day running of hospitals is quite ludicrous, and the honourable member for Coles knows it. So, I would argue that the suggestion that that will take place is no more relevant today than it is at any other time, and I would think—

**Mr Lewis:** We always had a policy at other times.

**The Hon. G.F. KENEALLY:** Yes, and there is a policy today, by which I do not feel honourable members opposite will be threatened. Certainly, members in another place when debating this legislation passed it with amendments, and I do not believe that it is a 'get the Minister day', although a lot of the proceeds in this Chamber today would suggest that. However, I repeat: the options still remain open. As I understand it, they have not been firmed up. The Commissioners sitting as a Commission could decide to be involved directly in the licensing, establish an expert committee, or vest that power in officers of the Department. However, those decisions are yet to be made. Having said that, I assure honourable members opposite that the fears that they have been voicing are fears that they have no good reason to hold.

**Mr BAKER:** I express my concern about the remarks made by the Minister in his response to the questions asked by my colleague the member for Coles. He made some reference to the provisions under radiation protection legislation. He could probably allude to other areas such as noise control, where there are delegated powers. However, in those areas there is a defined level, such as, radiation exceeding certain limits, and noise exceeding the decibel allowance for that particular activity. It is purely a matter of measurement. In this area we have no measurement criteria whatsoever. We have some very general statements on the provisions. We have no indication as to how they will be applied or the standards that will be used to test each case. I will outline briefly one or two criteria to make the point. The standards of construction facilities and equipment of the premises is item *(b)*.

*The Hon. Jennifer Adamson interjecting:*

**Mr BAKER:** That is under the Health Act already. Obviously at some stage it had to draw up a set of guidelines and regulations that would be used by officers of the Department to determine whether the hospital had complied. First, when will guidelines similar to those which exist already for those areas covered under the existing Health Act be available for all persons in the health field to view? Secondly, if there is to be an expert committee will the AMA and the Hospitals Association be represented on such a committee? I believe that those questions are very important. They relate to the powers of consultation and the expertise available to determine whether new hospitals or existing hospital expansion will be treated fairly, justly and with the right amount of research.

**The Hon. G.F. KENEALLY:** I think I should point out once again to the Committee that the licensing authority is the Commission. The Commission will establish the standards for hospitals and it will be the licensing authority. We know that ultimately the Commission is responsible to the Minister or, put another way, the Minister is responsible for the Commission. So, the questions that honourable members opposite are directing at me are not really questions about the *modus operandi* of the Minister. They relate more to the capacity and ability of the Commission to establish the standards and the formula of licensing, so it is not a criticism of the Minister: it is a criticism of the Commission.

The Minister himself will not be involved in these sorts of decisions, although quite rightly the Minister ultimately would have the power to be involved if he so wished. However, I have already pointed out that our Minister would be no more inclined to do that than would be the Opposition's Minister if it were in Government. Therefore, as I see it, this is not really a criticism of the legislation, but fears which the Opposition might hold about the Minister, which, as I have said, are totally unfounded.

I do not really think that the legislation should rise or fall upon a concept that it is unsustainable, and I believe that that is where the Opposition's argument lies. The standards and the licensing formula will be established by the Commission, and the Minister (whilst he has overall responsibility for the Department of Health) will not be involved in its day-to-day activities, nor would it be reasonable to expect him to be.

**Mr BAKER:** Will this Act be proclaimed after all the guidelines have been prepared by the Health Commission, so that they will be freely available to the public prior to the operation of the legislation?

**The Hon. G.F. KENEALLY:** The Department will have to work out the regulations and the standards that are required and the guidelines that are appropriate, and the legislation will not be proclaimed until those criteria are met.

**The Hon. JENNIFER ADAMSON:** I take issue with the Minister over his response to the member for Mitcham about the Opposition criticising the Minister: he maintains that the criticism should rightly be placed with the Commission.

**The Hon. G.F. Keneally:** No, I am saying your criticism should not be directed to the Minister; it is directed at the Commission.

**The Hon. JENNIFER ADAMSON:** The criticism that is being directed at the Minister is based on the fact that this legislation, which is a set of rules which will be administered in a policy vacuum, has been introduced before the Com-

mission has had a chance to draw up its policy guidelines. That will have an effect in the immediate future at least: one cannot talk about the medium to long term. On the Minister's own admission the legislation has been rushed in to prevent people who have projects in the pipeline from proceeding with those projects before Government has a chance to control them. Once this legislation is proclaimed, the Minister obviously intends to stop, control, or modify or in some way govern initiatives now in the planning stage, and a quick decision will have to be taken by the Commission with no guidelines: they will have to be *ad hoc* decisions.

In other words, you can or cannot have this or that piece of high technology equipment in this or that hospital; you can or cannot construct this or that number of beds on this or that property. It is clear from everything that has been said in the other place and here today in this debate that the guidelines are not there, that applicants for beds, applicants for new licences, or private hospitals that want to expand their services or expand their number of beds or install any kind of equipment will have to take Hobsons choice: they will have to take what the Minister gives them because there are no guidelines.

The only exception is that building guidelines already exist under regulations under the Health Act. I would say that the guidelines relating to bed numbers are pretty well in place as a result of the strategic planning framework initiated under the Tonkin Government. No guidelines exist to prevent the installation or use of facilities. That is not good enough, and I stress the point that I believe that this has been a most underhand way of getting Government control of the private sector in a precipitate manner without proper preparation to ensure that at least justice is done and people know by what yardstick their applications are being measured.

What is the Government's attitude to the provision of specialised facilities or equipment in a hospital if the provision of such facilities or equipment means that doctors currently practising as visiting specialists in the high technology units of teaching hospitals transfer their private patients to private hospitals for the purpose of treating them there? This matter is critical. The Bill, which is really a response to Medicare, has been rushed in because of the way in which private practitioners are responding to Medicare.

There will be a flight of private practitioners from the teaching hospitals if they find that the private practice of their specialties in those hospitals is being, in their eyes, unnecessarily curtailed or if they believe that their private patients are suffering as a result of the increased waiting time which members of the Opposition believe is an inevitable corollary of Medicare. If the Government locks up private specialists in the public teaching hospitals by refusing them access to private acute hospitals in the metropolitan area, despite the Minister's protestations to the contrary we will be well on the way to socialised medicine, because the Government will exert total control over the provision of services. This is a terribly powerful tool, and we need to know what is the Government's policy on this matter in order to assess the impact of the legislation.

**The Hon. G.F. KENEALLY:** Regarding the first point made by the member for Coles, the Opposition seems to be putting the cart before the horse and asking for all sorts of guidelines to be established before the legislation has been enacted. New section 57d clearly sets out the conditions within which guidelines can be established. The legislation must be in place before the Commission is charged with the responsibility for determining guidelines.

It is the Government's responsiblity to introduce legislation and, if Parliament agrees to that legislation, to then charge the Commission, for example, with the responsibility of implementing the legislation and determining the standards within the Act, under which the Commission will operate. I consider that it would be inappropriate to do it the other way around. A question similar to that asked by the honourable member was raised in another place to which my colleague in the other place replied as follows:

> Just about anybody who is concerned in the health area does not believe that it is reasonable for tremendous skills to be built up and maintained at taxpayers' expense for those skills (which are being used to save lives) to become suddenly the exclusive preserve of those who can afford, or who are forced to afford, private insurance. I would not be inclined to look at all favourably on any threat to move some of the super specialties into the private domain exclusively, thereby denying them to public or uninsured patients. If, in the interests of patients generally, it was felt desirable to use the proposed legislation to protect their interests then, quite frankly, I would not hesitate for one moment to recommend to Cabinet that that is the way we ought to go.

Later, in response to a question from the Hon. R.J. Ritson, the Minister of Health said in another place:

> I believe that that would be a pretty gross misallocation of resources and, really, that is what the legislation is about. We are talking about hypothetical cases at the moment.

The honourable member has raised questions similar to those asked by the Hon. Dr Ritson, and I have referred to the Hon. Dr Cornwall's responses made in another place.

**The Hon. B.C. EASTICK:** I refer specifically to new section 57e (2) *(f)*, which requires:

> . . . that the premises will be in the charge of a person with specific qualifications and otherwise regulating the staffing of the premises.

Having regard to the present Government's approach to staffing and industrial matters, what connotation should be placed on that provision in regard to likely consequences that it will have on industrial matters? Does it mean that a qualification will be made that the person involved must be a member of a certain union? Does it mean that a person must comply with certain activities that have been evident in the building industry? Does it imply that people must have certain qualifications tying them to a philosophy that might be foreign to their own beliefs? It is important that the Minister indicate his understanding of the sorts of restrictions or regulations that the Government proposes that the Health Commission apply in relation to the provision to which I referred.

**The Hon. G.F. KENEALLY:** I am advised that this is not a new provision at all and that it is one that already exists in relation to nursing homes and rest homes. The Government is bringing private hospitals into line with procedures relating to nursing homes and rest homes. It is envisaged that medical, nursing and managerial qualifications should be appropriate. In his interpretation of the provision the honourable member places on it a connotation that is certainly not one that the Government has in mind. This provision is in line with provisions that already exist in relation to other establishments such as nursing homes and rest homes.

**The Hon. B.C. EASTICK:** I accept the Minister's point of view, but the Minister would recognise that any undertaking given in this place is of no value whatsoever in regard to interpretation outside, particularly in the area of the law. Whilst I appreciate the Minister's intention and the defence that he provided in relation to his interpretation of new section 57e (2) *(f)*, I assure him that members on this side will be watching very carefully to ensure that this is not a backdoor method of imposing restrictions, for reasons other than medical and academic, on those seeking employment in this area.

The Minister has given me an assurance of his intention in this regard. We certainly hope that that will be the ultimate interpretation in the field. I have no doubt that that is the intention of the present Administration. However,

it is rather loosely put together and would allow for an intrusion of a different sort by another Administration in the future if it wanted to utilise the provision for such a purpose.

**Mr LEWIS:** This is an enormous clause, second only to the type of clause that was contained in the recent Local Government Act Amendment Bill, and we are expected to get information about it by asking three simple questions—that is pretty unreasonable. This arises from a drafting problem that, in turn, produces a procedural problem for the Committee. Having made that point, I ask the Minister to detail to the Committee in a specific way, or at least indicate, how many people are likely to be needed, for instance, to administer this legislation in regard to the provisions detailed in proposed new section 57k, which deals with inspectors. In regard to that aspect alone, to keep up with those provisions will be fairly costly. Further, of those people required to administer the legislation, how many are presently on strength, and how many more will be needed? How will they be obtained? How many extra staff will be required and from which areas will they come?

**The Hon. G.F. KENEALLY:** Probably two or three additional inspectorial staff would be required. Currently, there are three inspectors employed by the Health Commission in this area who do a lot of work for the local boards. It is not anticipated that there will be an enormous increase in their work load because currently they are doing many of the things one would expect them to do under this legislation. I believe the number required will be an additional two or three.

**Mr LEWIS:** I will be interested to see whether the reality is what the Minister estimates. It seems that a fairly substantial amount of work will be required. Can the Minister give an assurance that none of the information that the inspectors will be seeking will be divulged to other organisations, such as the United Trades and Labor Council, regarding whether staff are members of unions? It is not specified what they are entitled to inquire about. They could ask anything at all about an organisation and its personnel. It is a very wide-sweeping power, paying no heed to human rights, and we could end up with a gross invasion of personal privacy.

It could be used not only in this clandestine fashion but also to obtain information about patients' records. I am sure the Minister would reassure the Committee that they would never divulge that information, but I am equally sure that neither the Minister nor I will know about it until it is too late if they do, if they have had access to that information. Will the Minister place on record that it is not the Government's intention, nor would it be his wish that it would be any Government's intention, to use these powers in a way which is a gross invasion of personal or individual rights and confidentiality of information held by such institutions that should remain confidential between them and the patient and/or staff member concerned?

**The Hon. G.F. KENEALLY:** I have more regard and respect for the professional integrity of public servants and inspectors who are members of the Public Service than the honourable member suggests when he says that it will be too late by the time we know about the divulging of confidential information. It is not the role of inspectors to obtain material about people working in institutions and to provide that to other bodies; that is not their role, nor ought it to be. The reassurance that the honourable member seeks and the expression of confidence he would receive is thereby given to the Committee.

**Mr LEWIS:** I am pleased to hear that. I am disappointed and disgusted that the clause was not written in such a way as to specify the restrictions on the nature of the information that could be sought by an inspector, and the confidential nature of the information thus provided to the inspector where it relates to details about any individual. Whilst there is a tradition in the Public Service, and the Health Commission in particular, that people exercise that kind of discretion, there is no guarantee and no requirement for them to do so. Some of the things that I have heard people in other Government agencies and departments say about people they have been investigating in recent times makes it quite plain to me that that tradition is seriously eroded, and is being observed in some departments more in the breach than in the observance.

I do not see why the hell it could not have been included in this clause, restricting the kind of information sought and the confidential nature of it where it relates to particular individuals, and therefore restricting access to inspectors as appointed under this clause. I thank the Minister for the answer he gave to my first question. Can he say what is the estimate of the cost of the inspectorial staff and their on costs per annum?

**The Hon. G.F. KENEALLY:** The anticipated costs are in the area of $80 000. In reply to the honourable member's point about his disgust at new section 57k, as those powers were introduced into the Bill by his colleague, the Hon. John Burdett in another place, he might wish to take up with that member his disgust at the provisions and not direct that animosity towards the Government.

Clause passed.

Remaining clauses (11 to 13) and title passed.

**The Hon. G.F. KENEALLY (Minister of Local Government):** I move:

*That this Bill be now read a third time.*

**The Hon. JENNIFER ADAMSON (Coles):** The Bill comes out of Committee exactly the same, of course, as it went in, with the Opposition's reservations exactly the same as expressed earlier in the debate. The confirmation of our anxieties will, I fear, not be long in coming. There is a recognition on our part of the need for controls, which is why the legislation has not been opposed. There is a concern on our part at the manner in which the whole exercise has been carried out, and there is an undertaking on our part that the monitoring of the administration of this legislation will be undertaken with great diligence, not only by the Opposition but by the organisations which will be affected. They are substantial organisations in South Australia, they are respected organisations, and the Government would do well to have some sensitivity to their attitudes.

Bill read a third time and passed.

## AGED AND INFIRM PERSONS' PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4105.)

**The Hon. H. ALLISON (Mount Gambier):** This Bill seeks an additional power for any person who is appointed manager of an estate of an aged or infirm person. Under the Aged and Infirm Persons' Property Act, as it presently stands, such a person does not have the automatic power to apply for a grant of administration for the benefit of a protected person unless he initially obtains the sanction of an order of the court under section 25 of the Act. The Bill before us provides that such a manager may obtain a grant of administration on behalf of a protected person during that person's incapacity and provided that the person would, if he was not incapacitated, be entitled to obtain a grant of probate or administration.

This Bill is complementary to the Administration and Probate Act Amendment Bill, which is the next Bill on the Notice Paper. Rather than go repetitively through the several points I wish to make in relation to the two Bills I simply comment that one of the major fears expressed by the former Attorney-General (Hon. K.T. Griffin) during debate in another place was that these two pieces of complementary legislation would provide a statutory preference for someone such as the Public Trustee or a private trustee and executor agency to act on behalf of a person who otherwise would have preferred someone such as a close relative, a member of the family, to act and for whom he might have already provided.

I understand from a close perusal of the transcript of debate in another place that those fears have largely been alleviated, and I will address myself to those matters when the next Bill comes before the House. I simply say that the Opposition supports this legislation.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I rise to thank the Opposition for its support of this measure.

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

## ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 4109.)

**The Hon. H. ALLISON (Mount Gambier):** I think that members of the House will no doubt be aware that this whole area of administration of estates has been an extremely complicated one in which rules for administration have been developed literally over centuries, rather than just over decades. The practice of the South Australian Supreme Court in its probate jurisdiction has largely been to adopt those rules which have evolved in practice in law as part of the South Australian State court administration.

I believe that it is also important that we establish for members of the House that the bases upon which a manager is appointed under the Aged and Infirm Persons' Property Act or a person is appointed an administrator under the Mental Health Act for the purposes of Administration and Probate Act are two-fold. First, if a person is aged, infirm or otherwise incapable of attending to his or her affairs, the Aged and Infirm Persons' Property Act provides a mechanism by which a person can make application to the Supreme Court for the appointment of a manager.

After the Supreme Court has considered the material submitted to it, the court then normally appoints a manager if it is satisfied that the person in respect of whose estate the application is made is in fact incapable of exercising control over his or her affairs. The point to which the former Attorney-General took some objection lay in the fact that in the majority of instances the Supreme Court tended to appoint the Public Trustee, although we do admit that there are a number of cases in which that would not happen. We do point out that many people literally would prefer that the Public Trustee was not involved and that a daughter, brother, sister or other close relative would be more appropriate to handle the affairs of an infirm person. In spite of that, we reaffirm that the Public Trustee is generally the body appointed by the court to manage or administer the estate.

Secondly, under the provisions of the Administration and Probate Act relating to the appointment of an administrator under the Mental Health Act, a similar provision applies. An appointment can be made of a person to act in the place of a patient—that is, a person who is incapable of attending to his or her affairs. Once again, that administrator is normally the Public Trustee, whereas the person who is incapacitated may once again prefer a relative to administer on his or her behalf.

The Administration and Probate Act identifies a number of persons who are entitled to apply for a grant of letters of administration with the will annexed or a grant of letters of administration of the estate of the deceased. For example, for a grant of letters of administration if the will is annexed it could be a close relative, but more likely it would be one of the persons who benefits under the provision of the will. In a deceased estate where there is no will the person entitled to take a grant of letters of administration of the estate is normally a parent, child, brother, sister, and so on—a long line of succession in order of priority which has been established over the centuries.

The former Attorney-General believed that if the Bill were to pass in the form introduced in another place there would be some considerable ambiguity and that there would normally be a practice of the court to recommend the Public Trustee. If that were the case, then the Public Trustee would take statutory precedence over people who would normally be appointed by the infirm or incapable person to act on his or her behalf. Amendments which were introduced in another place and which are now part and parcel of the Bill before us have, I believe, almost completely removed that doubt. In any case, we have an assurance from the Minister in another place that it was never the Government's intention to establish the Public Trustee as the body which would automatically take pride of place. Under those circumstances we believe that the Bill is now satisfactory. The Minister, I have no doubt, in his response will make clear that the present Bill is intended only to empower the administrator and to do nothing more than that. We support the legislation.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I thank the honourable member for his indication of the Opposition's support for this measure. As he so rightly told the House, this is a complex area and the complexity of the law surrounding administration of probate and the handling of the affairs of those who themselves are incapable of handling them at law often brings distress to families and those who care for those people. More importantly, I suppose that it may well jeopardise the actual care of that person, particularly with respect to payment for services and attending to the legalities surrounding the accommodation, for example, in which that person will reside.

All those matters are relevant to this measure and the Bill that has just preceded it, and it is the Government's hope that in this small way those circumstances will be a little less onerous and there will, as the honourable member has just stated, be a more appropriate dealing with the affairs of the people concerned—in accordance, it is hoped, with the actual wishes of the aged or infirm persons in question if they were able to express such wishes as their families would want to see carried out. So, whilst these are to all intents and purposes minor amendments to a remote area of the law, undoubtedly they will bring relief to a section of the community that very much seeks that relief.

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

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

Returned from the Legislative Council with amendments.

## POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Received from the Legislative Council and read a first time.

**The Hon. G.J. CRAFTER (Minister of Community Welfare):** I move:

*That this Bill be now read a second time.*

This Bill originated in another place as a private member's measure introduced into the Legislative Council by the Hon. Mr Griffin. It was substantially amended by the Government in another place, and the Government now accepts this measure as a Government Bill. It is in that context that I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Bill

It deals with two related matters. The first is to increase the penalty in section 17 of the principal Act. That section provides that it is an offence for a person to be on premises for an unlawful purpose or without lawful excuse. The monetary penalty only is increased, from $100 to $2 000. The imprisonment penalty remains unaltered at six months. The second matter dealt with by the Bill is the insertion in the principal Act of two new sections, 17a and 17b. Section 17a relates to trespassing on premises. Provided a trespasser is interfering with the occupier's enjoyment of the premises, his failure to leave on the request of an authorised person constitutes an offence. The Mitchell Committee was of the view that trespass of itself ought not to constitute a criminal offence, and to that end the additional element of interference with the enjoyment of the premises by the occupier must be established. This clearly covers the situation of squatters in a residence or on rural properties where the squatting interferes with the occupier's enjoyment of the premises. The Bill would not however extend to casual trespass, for example, walking across farmland, mushrooming or something of that nature.

The Bill leaves the existing section 17 of the principal Act intact, as the new sections would not cater for some situations covered by that section, for example, the peeping Tom. That is one situation where a person is unlawfully on premises within the meaning of that section under the existing case law. The Bill also inserts a second new section, section 17b, which provides that a member of the Police Force may ask a person to leave premises if he believes that the person has entered or is present on the premises for the purpose of committing an offence.

Clause 1 is formal. Clause 2 amends section 17 of the principal Act by increasing the monetary penalty applicable under subsection (1) and leaving the penalty relating to imprisonment unchanged. The monetary penalty is increased from $100 to $2 000. Clause 3 inserts after section 17 of the principal Act new sections 17a and 17b.

New section 17a (1) provides that, where a person trespasses on premises, the nature of the trespass is such as to interfere with the occupier's enjoyment of the premises and the trespasser is asked by an authorised person to leave, the trespasser is guilty of an offence if he fails to leave forthwith or again trespasses within 24 hours of being asked to leave. The offence is punishable by a fine of $2 000 or imprisonment for six months.

Subsection (2) is an evidentiary provision—an allegation in a complaint that a person named therein was on a specified date an authorised person in relation to specified premises shall be accepted as proved in the absence of proof to the contrary. Subsection (3) defines 'authorised person' as the occupier of the premises, or a person acting on the authority of the occupier. Where the premises belong to a school, educational institution or other instrumentality of the Crown, an authorised person is the person having the administration, control or management of the premises or a person acting on the authority of such a person; 'occupier' in relation to premises means the person in possession or entitled to immediate possession of the premises; 'premises' means any building or structure, any land that is fenced or otherwise enclosed, any land (whether or not fenced) forming the yard, garden or curtilage of a building, or any aircraft, vehicle, ship or boat. New section 17b provides in subsection (1) that, where a member of the Police Force believes on reasonable grounds that a person has entered premises or is present on premises for the purpose of committing an offence, he may order the person to leave. Failure to comply with the order is an offence punishable by a fine of $2 000 or imprisonment for six months (subsection (2)). 'Premises' is defined in subsection (3) as any building or structure, any land that is fenced or otherwise enclosed, any land (whether or not fenced) forming the yard, garden or curtilage of a building, or any aircraft, vehicle, ship or boat.

**The Hon. H. ALLISON** secured the adjournment of the debate.

## COUNTRY FIRES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

## CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL, 1984

The Legislative Council intimated that it had agreed to the House of Assembly's amendment.

[*Sitting suspended from 5.50 to 7.30 p.m.*]

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

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 28 (clause 3)—Leave out 'PART VIII—REGISTER OF INTERESTS'.

No. 2. Page 7, lines 32 and 33 (clause 5)—Leave out 'by section 94 (1)' and insert 'under section 94 (1) or (1a)'.

No. 3. Page 8, lines 10 to 15 (clause 5)—Leave out subclause (7) and insert subclause as follows:

(7) For the purposes of this Act, a reference in relation to a council—

*(a)* to the conclusion of periodical elections is a reference—

(i) where the number of candidates nominated to contest each of the elections for the council does not exceed the number of persons required to be elected—to the third Saturday of October of the year of the elections;

or

(ii) in any other case—to the time at which the last result of the periodical elections is certified by the returning officer under Division IX of Part VII;

or

*(b)* to the conclusion of a supplementary election is a reference—

(i) where the number of candidates nominated to contest the election does not exceed the number of persons required to be elected—to the time at which the nominated candidate or candidates are declared elected by the returning officer under Division V of Part VII;

or

(ii) in any other case—to the time at which the result of the election is certified by the returning officer under Division IX of Part VII.

No. 4. Page 13, proposed new section 20, line 34 (clause 7)—Leave out 'Judge of the District Court' and insert 'legal practitioner of not less than seven years standing'.

No. 5. Page 13, proposed new section 20, line 38 (clause 7)—After 'council' insert 'selected from a panel of three persons'.

No. 6. Page 13, proposed new section 20, line 41 (clause 7)—After 'person' insert 'selected from a panel of three persons'.

No. 7. Page 17, proposed new section 26 (clause 7)—After line 8 insert subclause as follows:

(12) The Commission shall, in the performance of its functions under this section, act as expeditiously as is possible.

No. 8. Page 21, proposed new section 33, lines 33 to 40 (clause 7)—Leave out subclause (13) and insert subclauses as follow:

(13) The Governor may, upon the recommendation of the Minister made not earlier than the expiration of three months from the date on which the council was declared to be a defaulting council, by proclamation, declare the offices of all the members of the defaulting council to be vacant.

(14) A council shall cease to be a defaulting council under this Division—

*(a)* upon the making of a proclamation revoking the proclamation by which the council was declared to be a defaulting council;

*(b)* where a proclamation is made declaring the offices of all members of the defaulting council to be vacant—upon the conclusion of the elections to fill the vacant offices;

or

*(c)* unless a proclamation referred to in paragraph *(a)* or *(b)* is sooner made—upon the expiration of twelve months from the date on which the council was declared to be a defaulting council.

No. 9. Page 25, proposed new section 43, line 6 (clause 7)—Leave out 'three' and insert 'two'.

No. 10. Page 25, proposed new section 43, line 13 (clause 7)—Leave out 'three' and insert 'two'.

No. 11. Page 27, proposed new section 49, lines 7 to 10 (clause 7)—Leave out all words in these lines and insert:

*(a)* an annual allowance towards expenses incurred by the member in performing the duties of his office.

No. 12. Page 27, proposed new section 49, lines 11 to 13 (clause 7)—Leave out 'and at its first ordinary meeting held during the month of May in each succeeding year' and insert 'held after the third Saturday of October in each year (but not, where periodical elections are held in that year, before the conclusion of those elections)'.

No. 13. Page 27, proposed new section 49, lines 28 to 33 (clause 7)—Leave out subclauses (7) and (8).

No. 14. Page 29, proposed new section 54, line 21 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 15. Page 29, proposed new section 54, line 34 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 16. Page 30, proposed new section 56, line 38 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 17. Page 30, proposed new section 56, line 41 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 18. Page 31, proposed new section 58, lines 34 and 35 (clause 7)—Leave out all words in these lines.

No. 19. Page 33, proposed new section 61, lines 9 and 10 (clause 7)—Leave out subclause (2).

No. 20. Page 33, proposed new section 62 (clause 7)—After line 32 insert paragraph as follows:

*(ia)* matters relating to actual or possible litigation involving the council or an officer or employee of the council;.

No. 21. Page 34, proposed new section 63, lines 28 and 29 (clause 7)—Leave out subclause (4) and insert subclauses as follow:

(4) A meeting of electors under this section shall not proceed unless at least one member of the council is present at the meeting.

(4a) Where the mayor or chairman is present and available to preside at a meeting of electors held under this section, he shall preside at the meeting.

No. 22. Page 36, proposed new section 66, line 19 (clause 7)—After 'deputy' insert 'or he is absent'.

No. 23. Page 42, proposed new section 81, line 41 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 24. Page 42, proposed new section 81, line 44 (clause 7)—Leave out 'Five' and insert 'Ten'.

No. 25. Page 47, proposed new section 92, line 3 (clause 7)—Leave out 'second Thursday in March' and insert 'fourth Friday in February'.

No. 26. Page 47, proposed new section 92, line 5 (clause 7)—Leave out 'second Thursday in September' and insert 'fourth Friday in August'.

No. 27. Page 47, proposed new section 92, line 8 (clause 7)—Leave out 'first Thursday' and insert 'third Friday'.

No. 28. Page 48, proposed new section 94, lines 10 and 11 (clause 7)—Leave out 'first Saturday of May in 1985, on the first Saturday of May in 1988, on the first Saturday of May in 1991, and so on at intervals of three years' and insert 'third Saturday of October in 1984, on the third Saturday of October in 1986, on the third Saturday of October in 1988, and so on at intervals of two years'.

No. 29. Page 48, proposed new section 94 (clause 7)—After line 12 insert subclause (1a):

(1a) Notwithstanding the provisions of subsection (1), the Minister may, upon the application of a council, by notice published in the *Gazette*, postpone the day for the holding of elections under subsection (1) for that council to a subsequent day in the same year fixed in the notice.

No. 30. Page 48, proposed new section 94, line 19 (clause 7)—After 'elections' insert 'as provided in subsection (1)'.

No. 31. Page 49, proposed new section 96, line 28 (clause 7)—Leave out 'first Thursday in April' and insert 'third Friday of September'.

No. 32. Page 49, proposed new section 96, line 37 (clause 7)—Leave out 'second Thursday of March' and insert 'fourth Friday of August'.

No. 33. Page 50, proposed new section 96, lines 23 and 24 (clause 7)—Leave out 'on the first Saturday of May of the year in which the declaration is made' and insert 'at the conclusion of the periodical elections for the council'.

No. 34. Page 51, proposed new section 99, line 18 (clause 7)—Leave out 'at least two electors' and insert 'two electors and such other persons who may wish to be present'.

No. 35. Page 51, proposed new section 100, lines 23 to 27 (clause 7)—Leave out all words in these lines and insert:

his vote on the ballot paper—

*(a)* where the method of counting votes applying at the election is the method set out in section 121 (3)—by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference and by continuing, if he so desires, his votes for other candidates by placing consecutive numbers beginning with the number 2 in the squares opposite their names in the order of his preference for them;

or

*(b)* where the method of counting votes applying at the election is the method set out in section 121 (3a)—by placing consecutive numbers beginning with the number 1 in the square opposite the names of the candidates for whom he votes in the order of his preference for them until he has indicated his vote for a number of candidates not less than the number of candidates required to be elected.

No. 36. Page 56, proposed new section 120, line 28 (clause 7)—After 'poll' insert 'for a period not exceeding twenty-one days'.

No. 37. Page 57, proposed new section 121, lines 34 to 49 and page 58, lines 1 to 20 (clause 7)—Leave out all words in these lines and insert:

(3) Where the council has so determined under section 121a, the returning officer shall, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present, conduct the counting of the votes according to the following method:

*(a)* the returning officer shall exclude from the count the candidate who has the fewest ballot-papers in his parcel and place each ballot-paper that was in his parcel in the parcel of the candidate next in order of the voter's preference, or, if the voter has not indicated a preference for another candidate, set the ballot-paper aside as finally dealt with;

*(b)* if the number of candidates not excluded from the count equals the number of candidates required to be elected at the election, the returning officer shall make a provisional declaration that the continuing candidate or candidates have been elected;

*(c)* if the number of continuing candidates does not equal the number of candidates required to be elected at the election, the candidate who then has the fewest ballot-papers in his parcel shall be excluded from the count and each ballot-paper that was in his parcel shall be placed in the parcel of the continuing candidate next in order of the voter's preference, or, if the voter has not indicated a preference for a continuing candidate, the ballot-paper shall be set aside as finally dealt with;

*(d)* if the number of continuing candidates then equals the number of candidates required to be elected at the election, the returning officer shall make a provisional declaration that the continuing candidate or candidates

have been elected, but, in any other case, the process referred to in paragraph *(c)* shall be repeated until the number of continuing candidates equals the number of candidates required to be elected at the election, and, in that event, the returning officer shall make the provisional declaration that the continuing candidate or candidates have been elected;

*(e)* if during the process of counting two or more candidates have an equal number of ballot-papers in their parcels and one of them has to be excluded from the count, the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be excluded.

(3a) Where the council has so determined under section 121a, the returning officer shall, with the assistance of any other electoral officers who may be present and in the presence of any scrutineers who may be present, conduct the counting of the votes according to the following method:

*(a)* the number of first preference votes given for each candidates and the total number of all such votes shall be ascertained and a quota shall be determined by dividing the total number of first preference votes by one or more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by one, and, where any candidate has received a number of first preference votes equal to or greater than the quota, the returning officer shall make a provisional declaration that the candidate has been elected;

*(b)* notwithstanding the provisions of paragraph *(a)* or any other paragraph of this subsection where the total number of all first preference votes does not exceed—

(i) one hundred and fifty;

or

(ii) where a different number is prescribed for the purposes of this paragraph—that number,

the number of votes of any kind contained in the ballot-papers shall, for the purposes of any counting or calculation under paragraph *(a)* or any other paragraph of this subsection, be taken to be the number obtained by multiplying the number of votes of that kind contained in the ballot-papers by one hundred;

*(c)* unless all the vacancies have been filled, the surplus votes of each elected candidate shall be transferred to the continuing candidates as follows:

(i) the number of surplus votes of the elected candidate shall be divided by the number of first preference votes received by him and the resulting fraction shall be the transfer value;

(ii) the total number of the first preference votes for the elected candidate that are contained in ballot-papers that express the next available preference for a particular continuing candidate shall be multiplied by the transfer value, the number so obtained (disregarding any fraction) shall be added to the number of first preference votes of the continuing candidate and all those ballot-papers shall be transferred to the continuing candidate,

and, where any continuing candidate has received a number of votes equal to or greater than the quota on the completion of any such transfer, the returning officer shall make a provisional declaration that the candidate has been elected;

*(d)* unless all the vacancies have been filled, the surplus votes (if any) of any candidate elected under paragraph *(c)*, or elected subsequently under this paragraph, shall be transferred to the continuing candidates in accordance with paragraph *(c)* (i) and (ii), and, where any continuing candidate has received a number of votes equal to or greater than the quota on the completion of any such transfer, the returning officer shall make a provisional declaration that the candidate has been elected;

*(e)* where a continuing candidate has received a number of votes equal to or greater than the quota on the completion of a transfer under paragraph *(c)* or *(d)* of the surplus votes of a particular elected candidate, no votes of any other candidate shall be transferred to the continuing candidate;

*(f)* for the purposes of the application of paragraph *(c)* (i) and (ii) in relation to a transfer under paragraph *(d)* or *(h)* of the surplus votes of an elected candidate, each ballot-paper of the elected candidate that was obtained by him on a transfer under this subsection shall be dealt with as if any vote it expressed for the elected candidate were a first preference vote, as if the name of any other candidate previously elected or excluded had not been on the ballot-paper and as if the numbers indicating subsequent preferences had been altered accordingly;

*(g)* where, after the counting of first preference votes or the election of a candidate and the transfer of the surplus votes (if any) of the elected candidate that are capable of being transferred, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and all his votes shall be transferred to the continuing candidates as follows;

(i) the total number of the first preference votes for the excluded candidate that are contained in ballot-papers that express the next available preference for a particular continuing candidate shall be transferred, each first preference vote at a transfer value of one, to the continuing candidate and added to the number of votes of the continuing candidate and all those ballot-papers shall be transferred to the continuing candidate;

(ii) the total number (if any) of other votes obtained by the excluded candidate on transfers under this subsection shall be transferred from the excluded candidate in the order of the transfers on which he obtained them, the votes obtained on the earliest transfer being transferred first, as follows:

(A) the total number of votes transferred to the excluded candidate from a particular candidate that are contained in ballot-papers that express the next available preference for a particular continuing candidate shall be multiplied by the transfer value at which the votes were so transferred to the excluded candidate;

(B) the number so obtained (disregarding any fraction) shall be added to the number of votes of the continuing candidate;

(C) all those ballot-papers shall be transferred to the continuing candidate;

*(h)* where any continuing candidate has received a number of votes equal to or greater than the quota on the completion of a transfer under paragraph *(g)* or *(i)* of votes of an excluded candidate, the returning officer shall make a provisional declaration that the candidate has been elected, and, unless all the vacancies have been filled, the surplus votes (if any) of the candidate so elected shall be transfer in accordance with paragraph *(c)* (i) and (ii), except that, where the candidate so elected is elected before all the votes of the excluded candidate have been transferred, the surplus votes (if any) of the candidate so elected shall not be transferred until the remaining votes of the excluded candidate have been transferred in accordance with paragraph *(g)* (i) and (ii) to continuing candidates;

*(i)* subject to paragraph *(k)*, where, after the exclusion of a candidate and the transfer of the votes (if any) of the excluded candidate that are capable of being transferred, no continuing candidate has received a number of votes greater than the quota, the continuing candidate who has the fewest votes shall be excluded and his votes shall be transferred in accordance with paragraph *(g)* (i) and (ii);

*(j)* where a candidate is elected as a result of a transfer of the first preference votes of an excluded candidate or a transfer of all the votes of an excluded candidate that were transferred to the excluded candidate from a particular candidate, no other votes of the excluded candidate shall be transferred to the candidate so elected;

*(k)* in respect of the last vacancy for which two continuing candidates remain, the returning officer shall make a provisional declaration that the continuing candidate who has the larger number of votes has been elected notwithstanding that that number is below the quota, and if those candidates have an equal number of votes the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine which of the candidates is to be elected;

*(l)* notwithstanding any other provision of this subsection, where, on the completion of a transfer of votes under this subsection the number of continuing candidates is equal to the number of remaining unfilled vacancies, the returning officer shall make a provisional declaration that those candidates have been elected;

*(m)* for the purposes of this subsection—

(i) the order of election of candidates shall be taken to be in accordance with the order of the count or transfer as a result of which they were elected, the candidates (if any) elected on the count of first preference votes being taken to be the earliest elected; and

(ii) where two or more candidates are elected as a result of the same count or transfer, the order in which they shall be taken to have been elected shall be in accordance with the relative numbers of their votes, the candidate with the largest number of votes being taken to be the earliest elected, but if any two or more of those candidates each have the same number of votes, the order in which they shall be taken to have been elected shall be taken to be in accordance with the relative numbers of their votes at the last count or transfer before their election at which each of them had a different number of votes, the candidate with the largest number of votes at that count or transfer being taken to be the earliest elected, and if there has been no such count or transfer the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine the order in which they shall be taken to have been elected;

*(n)* subject to paragraphs *(o)* and *(p)*, where, after any count or transfer under this subsection, two or more candidates have surplus votes, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative sizes of the surpluses, the largest surplus being transferred first;

*(o)* subject to paragraph *(p)*, where, after any count or transfer under this subsection, two or more candidates have equal surpluses, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative numbers of votes of those candidates at the last count or transfer at which each of those candidates had a different number of votes, the surplus of the candidate with the largest number of votes at that count or transfer being transferred first, but if there has been no such count or transfer the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine the order in which the surpluses shall be dealt with;

*(p)* where, after any count or transfer under this subsection, a candidate obtains surplus votes, those surplus votes shall not be transferred before the transfer of any surplus votes obtained by any other candidate on an earlier count or transfer;

*(q)* where the candidate who has the fewest votes is required to be excluded and two or more candidates each have the fewest votes, whichever of those candidates had the fewest votes at the last count or transfer at which each of those candidates had a different number of votes shall be excluded, but if there has been no such count or transfer the returning officer shall, in the presence of any scrutineers who may be present, draw lots to determine which candidate shall be excluded;

*(r)* where a candidate is elected by reason that the number of first preference votes received by him or the aggregate of first preference votes received by him and all other votes obtained by him on transfers under this subsection, is equal to the quota, all the ballot-papers expressing those votes shall be set aside as finally dealt with;

*(s)* a ballot-paper shall be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate;

*(t)* for the purposes of this subsection, a transfer under paragraph *(c)*, *(d)* or *(h)* of the surplus votes of an elected candidate, a transfer in accordance with paragraph *(g)* (i) of all first preference votes of an excluded candidate or a trasfer in accordance with paragraph *(g)* (ii) of all the votes of an excluded candidate that were transferred to him from a particular candidate shall each be regarded as constituting a separate transfer.

(3b) In subsection (3) or (3a)—

'continuing candidate' means a candidate not already elected or excluded from the count:

'election' of a candidate means the making by the returning officer of a provisional declaration that the candidate has been elected, and 'elected' has a corresponding meaning:

'surplus votes' of an elected candidate means the excess (if any) over the quota of the elected candidate's votes.

(3c) In subsection (3), a reference to votes of or obtained or received by a candidate includes votes obtained or received by the candidate on any transfer under that subsection.

No. 38. Page 58, proposed new section 121, lines 36 and 37 (clause 7)—Leave out 'make out a return to the council' and insert 'forthwith make out a return to the chief executive officer'.

No. 39. page 58, proposed new section 121, line 45 (clause 7)—Leave out 'make out a return to the council' and insert 'then forthwith make out a return to the chief executive officer'.

No. 40. Page 59, proposed new section 121 (clause 7)—After line 3 insert subclause as follows:

(9) Where the returning officer certifies the result of an election under subsection (6) or (7)—

*(a)* in the case of a supplementary election—the election of the candidate or candidates shall take effect forthwith;

*(b)* in the case of a periodical election—the election of the candidate or candidates shall take effect at the conclusion of the periodical elections for the council.

No. 41. Page 59, proposed new section 121 (clause 7)—After line 3 insert new provision as follows:

121a. (1) Subject to this section, a council may determine that the method of counting votes to apply at elections for the council shall be—

*(a)* the method set out in section 121 (3) rather than the method set out in section 121 (3a);

or

*(b)* the method set out in section 121 (3a) rather than the method set out in section 121 (3).

(2) The following provisions shall apply in relation to a determination under subsection (1):

*(a)* the determination may be made only within the period of two months following the commencement of this section or following the conclusion of any periodical elections for the council:

*(b)* the council must forthwith, upon the making of the determination, cause notice in the prescribed form to be given to the Minister and to be published in the *Gazette:*

*(c)* the determination shall have effect to determine the method of counting to apply at subsequent periodical elections and at supplementary elections occurring after the periodical elections next following the making of the determination;

*(d)* the method of counting votes at elections for the council applying at the time of the making of the determination shall continue to apply until the determination comes into effect.

(3) Where no determination by a council has come into effect under this section, the method of counting votes at elections for the council shall be the method set out in section 121 (3).

No. 42. Pages 65 to 68, proposed new Part VIII (clause 7)—Leave out this proposed new Part.

No. 43. Page 71, line 33 (clause 26)—After 'subsection (1)' insert 'and substituting the following paragraph':

*(f)* regulating the procedure to be observed at meetings of councils.'

*Amendment No. 1:*

**The Hon. G.F. KENEALLY:** I would seek a ruling from the Chair. There are a number of amendments which in a sense can be used as a test case for other amendments and I will, as I speak to each amendment, refer to the other amendment. On this particular one, on the register of interests, the other amendment that it refers to is amendment No. 42. I imagine what we will do is debate the issue now and vote on 42 when we get to it without further debate, if that is agreeable to the honourable member for Light.

**The CHAIRMAN:** The Chair will allow the Committee to canvass it, but we will only be dealing with the motion before the Chair.

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 1 be disagreed to.

It deals with a register of interests. It is an amendment that the Government feels very strongly about. I just want to make one comment. I do feel it is somewhat disappointing that the debate has been on the negative rather than the positive factors of the register of interests. I point out to the Committee once again that having a register of interests is the best protection for people in public life. We all know, as members of Parliament, that we have our own register here and that the allegations and accusations of vested interest and corruption are allegations that members in

public life have to withstand. A provision of a register of interests does more than any other measure to prevent those allegations being made against people in public life. I wanted to make that point, because I believe the argument has been couched more in negative than in positive terms. The Government does not agree to this amendment.

**The Hon. B.C. EASTICK:** I indicate that I am quite happy to accede to the course of action that the honourable Minister has put forward, that where one clause is consequential to another, providing we can canvass the whole ambit of the business, we are quite happy to adopt that course. I think the Minister needs to very quickly come to grips with the measure which is before the Committee and ask himself and his Government whether he wants the Bill to pass or not to pass. Of the issues which have arisen in the debate on this matter, and it has been a debate which has been out in the open since November last year, the inclusion of this series of clauses, along with a number of other matters that we will canvass when we come to them, has been declared by the Local Government Association and by individual local government bodies as just not on.

As was indicated in the debate on the issue in this Chamber, and I have no doubt it was canvassed in another place, with the inclusion of this particular issue of pecuniary interests, along with specifically after-five council meetings and a number of other issues which the local governing bodies and the Opposition believe are quite essential for the best result for local government, there would be no hesitation in the Opposition, that is, the total Opposition, seeing the loss of this Bill. We would not be doing it out of cussedness; we would not be doing it because we did not want the Government to have the passage of this measure, which is relatively bipartisan in the greater part of its content, but certainly not bipartisan in relation to this measure and a couple of others.

We are delighted to know that it is in the political arena for decision. We are delighted that it is likely to be available to local government to progress through the balance of the '80s and into the '90s. However, this measure is not one which is negotiable. The Local Government Association as recently as last Friday, in a letter from its President, indicated that it was not negotiable. Members of the Opposition and of the smaller Party in the Upper House have also indicated very quickly that it is not negotiable.

I do not want to canvass all the aspects that were canvassed previously, other than to say it is the firm belief of the Opposition, and it is the belief of a large number of people directly associated with local government, that the increase in penalties and the new approach to a disclosure of interest which is contained elsewhere in the Bill and which has been lauded by the Opposition (indeed there are some aspects of that move where it has been suggested that the penalties could be higher), is in our opinion adequate for the purpose that the Minister seeks to put before this Committee. I ask the Minister to consider yet again the Government's position in the overall passage of this whole Bill and to retract from the course of action which he is seeking to have this Committee pass.

**Mr GUNN:** During the earlier stages of this debate, I participated briefly because I was not aware, as were other members of this House, that we were going to arrive at this stage. I had hoped that cool heads and common sense would prevail. This is a very large Bill. It has provisions in it which local government have been requesting for a number of years. It has taken a long period of time and a lot of hard work by a lot of people to reach this stage. The point the member for Light has clearly made is: does the Government want the Bill? If it is going to insist on these provisions, then unfortunately, I believe the Bill is going to have a fairly rough passage, because when people offer their services freely and in a voluntary capacity, in this case they receive little thanks and probably more abuse than members of Parliament, but then to ask them to publicly disclose their interests when we are not talking about people in many cases representing vast areas of the State, and most of the candidates in local government are known in our own communities, is not acceptable.

Everyone knows what stratum of society they come from, what involvement they have in the community, and they can be judged accordingly. If they are unhappy, there are other penalties that can be put into effect against them. I believe that this Parliament would be taking a retrograde step in passing this Bill. I do not believe we want to bring local government into the realms of political campaigns, but I do foresee some of the provisions in this Bill upon which we are probably going to spend a lot of time tonight in debate which will bring local government into the realms of politics. In my belief this provision forcing people to disclose all their interests is unnecessary and unfair and will, in many cases, prevent people from standing for local government.

In my judgment it is bad enough asking the person offering him or herself for the position to do this, but to require that his or her spouse and other members of the family also declare their interests I think is quite improper. When considering pecuniary interests of members of Parliament I said that it was a gross breach of privacy, that the Act already adequately dealt with the matter, that we have the Constitution Act, Standing Orders and a number of other provisions applicable to it. Really, this is only window dressing on the part of the Government. The political activists backing the Government on this issue want to get themselves involved in local government, and they see some of these provisions as a lever to help them achieve this.

This is a retrograde step. I appreciate that the Minister has had a difficult role to play. It was not he who got the Government in the bind it is now in but his predecessor. We all know that it was only a matter of time before the previous Minister got the sideways push and was placed in a position where he could do the least possible harm and where he would not have to say anything. We all know that the Minister was landed with this complicated Bill and that it was his predecessor who brought the Government into conflict with the Local Government Association. The present Minister, whom we know to be a pleasant fellow, was suddenly placed in this difficult situation of trying to save some of the china—

**The CHAIRMAN:** Order! The Chair has been very lenient with the honourable member. We are dealing with the clause in relation to a local government register of interests. It has nothing to do with the previous Minister or with any of the other facets that the honourable member seems to want to bring into the debate. I ask him to come back to the amendment.

**Mr GUNN:** The Opposition has shown great tolerance. During this early stage of the evening I do not want to do anything that will in any way bring me into conflict with the Chair. I try to be a most reasonable fellow when debating matters in this Chamber. I am normally a man of few words, but I believe that there are a few fundamental matters that the Government must face and it must either accept or at least put forward some reasonable alternatives to the present provisions. If we have to go through the exercise of debating this matter at great length in this place and in the other place, and then sit all night at a conference—

**The CHAIRMAN:** Order! At this early stage in the evening the Chair does not want to get into fisticuffs with the member for Eyre. I have pointed out that the clause before the Committee concerns the matter of the register of interests.

I hope that the member for Eyre will come back to the matter.

**Mr GUNN:** I believe the views I have put forward tonight are also held by local government in my electorate. I think the majority of local government bodies in South Australia support the views expressed by the member for Light and me in regard to this clause.

**The Hon. JENNIFER ADAMSON:** I support the amendment. I reiterate what I have said on many occasions, namely, that to require elected members of local government to declare their financial interests and those of their families is an absolutely unjust imposition on them, an intrusion of privacy that cannot be justified. If the Minister and his colleagues insist on reinserting the provision in the Bill, they know what the outcome will be; they know that the Bill will be lost.

*Mr Hamilton interjecting:*

**The Hon. JENNIFER ADAMSON:** The member interjecting has said, 'That it what—

**The CHAIRMAN:** Order! The member for Albert Park is out of order, as will be the honourable member if she replies to the interjection.

**The Hon. JENNIFER ADAMSON:** I would not dream of doing so, Mr Chairman. I simply want to say that the last thing that the Opposition wants to see is this Bill being lost. Generally the Bill is acceptable, but some aspects of it are absolutely unacceptable, and it is quite wrong for State Parliament to impose its will on an unwilling sphere of local government which is refusing outright and publicly, with well substantiated arguments, to accept these provisions. The Minister must know that there are men and women in local government who feel that it would be a gross intrusion into their private lives and those of their families for them to have to declare:

> . . . any remuneration, fees or other pecuniary sums exceeding $500, received by a member in respect to a contract of service entered into or paid office held by the member, and the total of all remuneration fees or other pecuniary sums received by the member in respect to a trade, profession, business or vocation engaged in by the member where that total exceeds $500.

That really is outrageous, and is certainly an indictment of the utter ideological rigidity of members of the Government in refusing to see not only reason but justice and equity. They have refused to accept the perfectly sound arguments put forward; they refused to bow to the normal human feelings of these people, and are going to impose their will, apparently, come hell or high water. It looks as though it will be one or the other. I can only say that it is disappointing that the Minister apparently has been unable to use his normally, I suspect, reasonable and reasoned influence with his Cabinet colleagues, and that the ideologues in the majority in the Labor Party are going to prevail. That is a very great pity. The enemies that the Government makes with local government as a result of this will only result in a poisoning of the atmosphere between those tiers of government in South Australia, and none of us wants to see that.

**Mr MEIER:** I support the previous speaker's remarks on this matter. I do not intend to canvass all the points made earlier in the debate. However, I refer to a matter that was brought to my attention by at least one of the councils in my area, which pointed out that at times it is finding it hard enough already to find people who are prepared to stand for council. Therefore, rather than placing further restrictions on entry into council, we should be giving people every encouragement to participate. Yet here we see the stubbornness of the Minister who is insisting on this provision in regard to a register of interests. During the Committee stage previously the Opposition was quite happy to amend another clause which made provision for a $10 000 fine rather than a $5 000 fine for any councillor who used his voting power to possibly further his own monetary interests. In other words, we recognised that there must be a deterrent in that regard and we were prepared to increase the fine. However, I can see no need for a full declaration of pecuniary interests on a register of interests. It will put up a real barrier, particularly in regard to people who have made a success of their lives. Why should they have to declare their interests just because they feel they want to go into local government and serve their local community and provide a service for it? I am very disappointed that the Minister is not prepared to give ground on this aspect of the Bill.

**Mr BLACKER:** I support the amendment and oppose the motion as moved by the Minister, for a number of reasons which I explained during the second reading debate. Occasionally in local government there is a situation where wards are not filled because a potential candidate has not been forthcoming. It has occurred in my electorate on two occasions and in that situation, after nominations have been called on two occasions, and still no candidate has been forthcoming, it then becomes a requirement of council to nominate a ratepayer to fill that position. If council nominates a person, that person is then obligated to undergo the scrutiny of the register of interests. That is grossly unfair, because in all probability that person has been reluctant to stand because of these provisions, and is therefore subjected to it against his will. That does not happen very often but it has occurred and will occur again. Could the Minister give his views on that? It is one thing for a person to voluntarily enter into council in the full knowledge that he will have to disclose his interests, and another for him to be nominated for that position and be subjected to these provisions which he might find quite obnoxious.

**The Hon. G.F. KENEALLY:** Members have expressed their disappointment and I express my disappointment at the first of the amendments because of the rhetoric used by some members opposite. I am disappointed at the reflections made on the now Minister of Public Works. Great credit is due to him for this legislation now before the House. That should not be forgotten, because this legislation has been years in preparation and the fact that we are in a position to debate it is in no small way due to my colleague. So, rather than being the subject of criticism, he should be the subject of praise.

The members for Light and Goyder said that there were other powers that could deal with anyone who may breach the pecuniary interests provisions. However, unless the local government body involved knows what individuals' interests are, it will never know whether a breach has occurred, whether it be a member of council, Parliament or anyone in a public position. The argument that a heavy fine for breach of pecuniary interest provisions will afford protection is valid only when a breach has occurred, and one does not know that unless there is knowledge in the first place of the interest of the person involved.

The members for Light, Eyre and Coles threatened that this Bill will be lost by the use of the numbers in another place, and then suggested that this will be the Government's fault. We are in government and within our rights to introduce legislation in this Chamber. If the Bill is lost, then it is lost by a decision not of the Government but of those people who oppose the Government. This Bill is in line with Labor Party policy, as is well known to people throughout South Australia and within local government, yet we are in Government charged with the responsibility of making the decisions. If this important Local Government Bill is lost, it is lost because of the actions of the Opposition, not in this House but in another House. This situation has applied for 100 years in this State, where legislation introduced into Parliament by the duly elected Government of

South Australia is defeated by the members in another place, so we do not seem to have progressed very far. I totally reject the concept that if this Bill is lost it is because of Government action. It will be because of the action of those who oppose the Government.

I wish to refer to the member for Coles' total hypocrisy in the position she put to this Chamber. She stated that this measure is opposed by the Local Government Association, and so it is. It has been very strong and articulate in its representation to the Government. I pay a tribute to that and to the Chairman of the Local Government Association, (Mr Ross), the Secretary-General (Mr Hullick), and the previous Chairman, (Mrs Cromer). However, the truth is that neither the Opposition nor the Government is falling into line with that Association's wishes. It ill behoves the member for Coles to say that this measure does not have the support of the LGA when her Party, the Opposition, has introduced amendments which also do not have the support of the LGA. A number of measures to be debated later do not have the support of the LGA. The President of the LGA has had cause to go public and criticise me and my Government about the introduction of these measures and also about actions taken by members opposite who have moved amendments in another place contrary to the LGA's views. Let us rid ourselves of the hypocrisy of either Party in the suggestion that we are representing diligently the views of the LGA. The ultimate decision that this Parliament will have to make will be based on our view of the legislation, having regard to local government representation.

The members for Flinders and Goyder stated that it was very difficult to have people stand in some local government elections, and suggested that this provision will make it more difficult. If that is the case, perhaps we should change all of the Act to make it easier: if people are not standing perhaps there is some problem with the existing Act, and perhaps we should abolish more provisions rather than rewrite the legislation. I do not accept that. The case cited by the member for Flinders is not relevant. No council would pluck out of the air an individual and elect him to the council without first asking if he would like to be a member of the council and pointing out his responsibilities, which may mean declaring his interests. No council would elect someone and after the event tell them what their responsibilities are. That would be decided in negotiations with that person.

The argument has been put forward that, because we are members of Parliament and paid as such, that we ought to declare our interest—and I pay due credit to some members opposite who have been totally consistent in that argument; whether it be members of Parliament or council, they oppose the declaration of interest in whatever form. However, we do have a declaration of interest provision in the State Parliament.

If the argument is that because some members are paid and some are not that distinguishes between them, again I do not accept that argument. The Hon. Mr DeGaris in another place, who did not support this provision, said that that is nonsense. It is the decisions that people make that are important. Because some people are paid and some are not does not mean that the decisions that they make are different: they are the same. People in local government make very important decisions. As I said earlier, the State Government legislates in the general but local government legislates in the specific.

I would ask any member here to point out the sorts of decisions that we make in this place where our pecuniary interests are involved anywhere near to the same degree as such interests are involved in some decisions made by the Adelaide City Council. For instance, what will happen to individual pieces of land in the Adelaide City Council area? What planning provisions should apply there and what development should take place? Those massive decisions are taken about a very important part of South Australia that affects every citizen in this State. They deal with the development of that area, yet we are led to believe that particular interests of people involved in those sorts of decisions ought not be available on a public register. I am prepared to concede that interests involved in a council such as Hawker or Carrieton, for instance (as the honourable member for Eyre would know), may not be in the same league as the Adelaide City Council, but the same principle applies. One cannot make laws for one area and not for the other.

I have put the matter of a register of interests to district council members and they have understood what I have said. Decisions of people in public life impact on the well-being of the people they represent. All that has happened here is that members of the Opposition, and those who oppose these provisions, concentrate on the negative factor. We all know that people in public life are subjected to criticisms about self interest (and sometimes about corruption). Such criticisms have much less validity if the pecuniary interests of people in public life are clearly there on a register for people to see. One does not have to wait for someone to withdraw from the Chair or leave the Chamber, which would be the case under the new provision, under threat of a heavy fine. I believe that that provision should remain, but that we should not rely on it, because if that is all we rely on we will not know whether or not anyone has breached those provisions—we have no way of knowing that at all.

If people who want to go into public life believing that their interests should remain secret, known only to themselves and not to anyone else, that they should be confidential, then they must make a decision, unfortunately, under this provision about whether or not they see themselves as wanting to go into public life or not. All members in this Chamber and in another Chamber have fulfilled the conditions relating to a register of interests. I do not know of anyone here who is worse off as a result of that or anyone who has been harassed because of it (there may be, but I certainly have not). I do not ever expect that that will ever happen. That will also be the situation also in local government.

I do not believe that the opposition expressed in relation to this measure is soundly based. I accept that those people who have been consistent in their opposition to a register on the basis that no-one should have to declare their interests hold a genuine philosophical view. I do not reflect on their views, although I disagree with them, nor do I agree with bringing in a number of straw persons to knock over to bolster their arguments.

**The Hon. B.C. EASTICK:** I will not recanvass the total position, because there is no purpose in that. The sooner we get the matter to a vote the better. I would like to say very quickly to the Minister that if he seeks to turn the possible defeat of the measure upon the Opposition in this place and in another place he does himself and the Government no good service. It is wrong to suggest that because his Party is in Government it should be able to ride roughshod over the community at large by enforcement of its ideological beliefs when those beliefs are against the expressed wish of a vast majority of the people involved in that particular sphere of enterprise. If it does it will find itself in much trouble. It will not be the Opposition here or elsewhere that defeats this measure.

**The Hon. G.F. Keneally:** Who will defeat it?

**The Hon. B.C. EASTICK:** Those people in local government who recognise that the course of action being undertaken by the Government is against their best interests,

people who have expressed such an opinion by a majority view.

**The Hon. G.F. Keneally:** Through the Liberal Party.

**The Hon. B.C. EASTICK:** No, not through the Liberal Party, but through the Minister's own office and through the Local Government Association.

**The Hon. Jennifer Adamson:** And through the media.

**The Hon. B.C. EASTICK:** Yes, through the media, and through the members of the House (having forwarded to those members documentation as to their attitude in relation to this matter).

*Mr Groom interjecting:*

**The Hon. B.C. EASTICK:** The honourable member for Hartley does not agree that that is what the Campbelltown Council wants. That is what he wants.

**The CHAIRMAN:** Order! I wish that the honourable member for Hartley would not object. Also, I hope that members of the Opposition will not continually answer the interjections. I call the honourable member for Light.

**The Hon. B.C. EASTICK:** That is the one point that needed to be put to rest. Let us have no further nonsense or attempts to malign the people who are speaking for the majority in this matter.

**Mr Groom:** The majority of what?

**The Hon. B.C. EASTICK:** The majority opinion as expressed by the Local Government Association, and, as the Minister indicated, by the former President and by the current President as recently as last Friday in a letter directed to the whole of the Parliament. The other thing that I mentioned arises out of the Minister's contribution. He indicated that a person could be placed in local government because there was no nominee and that there would be negotiations prior to the action being taken. The Minister should recognise that there are no negotiations; there is a drafting. It is competent for a person to be plucked off the street and created a councillor, which has happened. The member for Flinders made that point, which the Minister tried to deride him for. That shows the ignorance of the Minister about this matter. I assure him that that has taken place in the past and that the member for Flinders was perfectly correct in making that point. It was to no purpose for the Minister to draw a red herring across the trail of the very pertinent and germane point made by the member for Flinders. Mr Chairman, the Minister's contribution to this matter has not caused us to change our minds. I therefore ask the Minister to let us get on with the vote.

**Mr GUNN:** The Minister is a great talker. He has talked around the subject at great length and then attempted to blame the Opposition, particularly members of the Opposition in another place for certain happenings. He inferred that they had no democratic right to amend this Bill, which I find hard to believe. They are elected by the people of this State to cast a democratic vote, which they have done. I believe that the Minister has done his own case, and that of the Government, a great disservice by adopting that attitude. He is saying that because this Government, which was elected with probably one of the narrowest majorities in the history of Government in this State—

**The Hon. G.F. Keneally:** Threats!

**Mr GUNN:** I am making no threats; I am pointing out the democratic realities in which we find ourselves. Surely those people, elected by the same people as members in this place, are entitled to make mature judgments on this matter.

**Mr Groom:** Half of them were elected in 1979.

**Mr GUNN:** Yes, elected by the very same people. And we are told that this Government, elected by the most narrow majority, thinks that whatever it decides must be imposed on the people of this State without adequate debate. That is fundamentally wrong in a democracy. Why should not that second chamber not exercise that particular righton the rare occasions that it does?

**Mr Groom:** What is wrong with a register of interests?

**Mr GUNN:** There is plenty wrong with it. If the honourable member cannot read, reflect or understand what has been said, I would hate to go to him in a professional capacity. That is all that I can say to the honourable gentleman who has been continually interjecting out of his place all evening. I am surprised that the honourable member for Hartley above all people—

**The CHAIRMAN:** Order! The Chair would be very surprised if the honourable member came back to amendment No. 1. The honourable member for Eyre.

**Mr GUNN:** I have been getting some assistance that I do not really require.

**The CHAIRMAN:** Order! The assistance is out of order, so the honourable member for Eyre will return to the amendment.

**Mr GUNN:** You are a wise counsel, Mr Chairman. I was endeavouring to explain, as difficult and painstaking as it may be for the benefit of the honourable member for Hartley, if no-one else, that either the honourable gentleman cannot read, needs a pair of spectacles or is difficult to convince. I say in conclusion that it will be a sad day for the people of this State if this Bill is lost because it will mean that the Labor Party has put political ideology before common sense.

**The Hon. JENNIFER ADAMSON:** I want to make two points, and to reinforce and support what the members for Light and Eyre have said. There is no way that the Minister can say that the Opposition will be responsible if this Bill is lost. The Opposition has supported this Bill in its passage through the Parliament. We voted in favour of the second reading and the third reading, so there is no possibility that the Minister can say that the loss of the Bill is the responsibility of the Opposition. If the Bill is lost it will be lost through the Government's intransigence, and that should be clearly understood by everyone. Secondly, in relation to the Minister's arguments about the register of pecuniary interests, surely the Minister cannot be so naive as to believe that one can legislate for honesty or integrity in public life.

He must know that, whatever the legalities of the matter (and a register of interests is probably one of the most legalistic aspects of a Bill that I have ever seen), there is no legislation on earth that can contain a dishonest person who is intent on being dishonest. Equally, an honest person does not need legislation like this. In a democracy (in relation to legislation like the register of interests provision) the responsibility for ensuring honesty and integrity in public life rests with the whole community and with self-regulation. The energetic, vigorous and enlightened community scrutinises the people it will elect and chooses the best; if they do not measure up they get tossed out.

A register of interests will not do one single thing to increase standards of public integrity. All that it will do is create an absolutely false sense of security in the minds of those who are taken in by this that everything will be all right and they need not worry. Members of Parliament, members of local government, everyone is honest. We know that they are honest because they have declared their interests. What absolute rubbish! Surely no sensible person would be taken in by that. Certainly, the Local Government Association has not been taken in by it and the council whose area I represent has not been taken in by it: they oppose it, and so do I.

**Mr BLACKER:** I return to the point I raised with the Minister earlier, which the Minister decried and which was taken up by the member for Light. I know of a situation that occurred where a council nominated an individual who was not a willing participant and who was, in effect, bull-

dozed into being a councillor. Under such circumstances and, I believe, under the provisions of this Bill as it presently stands, that person, having been bulldozed into council and having being told that he has to be a councillor could then be subjected to these provisions—provisions that he might find totally obnoxious. Therefore, whilst I accept that such an occurrence is a remote possibility, it has occurred and I believe will probably occur again. Therefore, these provisions would be at fault in those circumstances. Surely such a person would have the right, or should have the right, to say 'No' if he did not wish his personal interests to be declared in a register of interests.

**Mr MEIER:** First, I believe that the Minister is questioning the honesty of present councillors and potential future councillors by asking: 'How do we know whether or not they will be honest? How do we know, therefore, whether they will be subject to the $5 000 fine?' That is really reflecting on members of local government and I think that it is in very bad taste for those words to be spoken here. I would much rather take the view that our elected representatives in local government are honest. I will accept their honesty unless shown otherwise. I do not think that we are here to keep members of local government honest by implementing this compulsory declaration of pecuniary interests.

Secondly, the Minister mentioned that this clause is in line with Labor Party policy. If we are to follow that through we must consider other factors. If I remember correctly, one major part of the Labor Party policy in respect of the Local Government Act Amendment Bill was to have compulsory voting, yet that is not in the Bill before us. Therefore, for the Minister to argue that this is an inherent part of the Bill because it is Labor Party policy does not make sense. I thought that compulsory voting was an inherent part of Labor Party policy also, but that does not appear in the Bill. I think that we could cite other examples of things that were in the original draft of the Bill, such as changing the name of councils, which had disappeared by the time the Bill finally came before us for debate. Therefore, I do not accept as relevant the Minister's argument in relation to keeping the register of interests provision in the Bill.

Finally, I refer to the changing of the whole nature of the regulations or structure of the Bill—I think that that is what the Minister said—so that people would be standing for local government and so that there would be no problem in getting candidates. I think that is throwing a red herring out and it has nothing to do with the matter that we are debating now. Obviously changing the Bill is not what we are suggesting. We are saying that this particular provision is a factor that could lead people to say, 'No, I would prefer not to stand for council.'

**The Hon. G.F. KENEALLY:** To respond to the last point first, it was not the Minister who raised the matter of the difficulty of getting people to stand for council, it was the honourable member himself. Therefore, if a red herring has been introduced into the debate it was introduced by the honourable member. In response to the honourable member for Flinders, if someone is drafted that person will be subject to the legislation. However, if someone who is drafted does not want to conform to that legislation, that person will not turn up at council meetings, because I think that if three council meetings are missed a person is in default and will no longer be a member of the council.

One cannot require a person to serve on a council, whether one drafts them or not. People can only be required to serve on a council if they are willing to do so, because they will soon make themselves ineligible if they do not want to serve. In relation to the point I made earlier, it would be sensible, would it not, to speak to people whom one may wish to draft to ascertain whether or not they are willing to stand for council. It seems to me to be quite a foolish proposition because, if one drafts someone who knows nothing about council and who finds out that he or she does not want to be a member of council, that person misses three meetings and is no longer a council member, so one drafts someone else. That person also finds out that he or she does not want to be a member of the council and misses out on three more meetings, leaving one once again to find someone else, and so on.

It seems to me perfectly reasonable to speak to someone in such circumstances, and that is the point I make. Most people who have an interest in local government would know about this provision. Secondly, the Opposition is deliberately misrepresenting what I said. I have not reflected on the Legislative Council's ability or capacity to exercise its Parliamentary function. I am saying that the Opposition's accusation about the Government introducing legislation and then losing the Bill can be more readily placed at the Opposition's feet than at ours. The point I made was that the Government is charged with the responsibility of introducing legislation.

If that legislation is lost, it can hardly be the Government's fault. It has to be the fault of those people who oppose it. It is a simple proposition, and I find it very difficult to understand any argument against it. I totally reject that argument. I am not reflecting on another Chamber's right to exercise its Party functions, but I am saying that Government legislation that is defeated cannot be the fault of Government: it must be the fault of those who oppose it.

**Mr BAKER:** I support this amendment. It has been obvious for a long time that the Labor Party wants to promote class division in society: it has been intent on doing so for a number of years. It believes that a person with assets or position is a person to be regarded with some suspicion because that person has been successful in life. We know that members of the Party opposite promote mediocrity. There is no provision here protecting the interests of members. We have seen a number of instances where the pecuniary interests provision in the State legislation has been abused. We have seen certain members' pecuniary interests published in the newspapers; we have seen them published in the *Herald.* There is no protection for the members concerned.

The only reason why we need a register of interests is to protect the people concerned when in fact there may be a conflict of interests. The Minister and his colleague in another place are obviously cognisant of the fact that where there is a conflict of interests they have other means at their disposal to protect councils. In many cases, as the Minister knows, councillors will leave the chamber when there is a debate concerning which they may have some conflict of interests. Unless the Minister and his colleagues can come up with an alternative to the one proposed here, we on this side are opposed to the register of interests. The provision in the Act involving members of Parliament has been abused, and it will be abused in the Local Government Act. It will be used to divide the community and, in local government elections, used against people who have expertise and possibly some interest in a particular matter.

I am opposed to the register of interests as couched in these terms. I believe that if there is to be a register of interests it should in fact be a very closed book that should be available to members of council should there be a conflict in debate. It should not be made available to the public and used by people in antagonistic circumstances to further a particular cause. I do not support the Government on this matter and neither do my colleagues on this side.

**Mr GROOM:** I consider the matter of the pecuniary interests register a very important one. It is a question of public confidence in elected representatives. If you want to stand for public office, you have to run the gauntlet. You

have to disclose your assets in such a way as will assure electors that there will be no conflict of interests between your own personal situation and the decisions that you make which may benefit yourself or your friends. It is simply a matter of public confidence in elected representatives.

The sort of philosophy that members opposite espouse is that which was espoused in the nineteenth century, which is not surprising, because that is the century in which they still dwell. What they are really saying is, 'Just trust us. We will make decisions for the betterment of the community but we are not going to tell you what sort of assets we have, so that you, as a member of the public, will not be able to detect whether in fact we benefit ourselves financially by virtue of the sort of decisions which we make.'

If you want to stand for public office, then it is only fair and proper in the twentieth century that you disclose your assets in the same way that Parliamentary representatives are today in this State and other States of Australia required to declare their assets. It has not adversely affected the workings of this Parliament. It will not adversely affect the workings of local government, whose status can only be enhanced in the eyes of the community.

**Mr BAKER:** If the member for Hartley wants to talk about public office, he should talk about his friends in the union area. I would ask him how many union officers declare their pecuniary interests and how many other people who have been associated with a number of organisations known to the member concerned, for example, the Painters and Dockers Union, have declared their pecuniary interests. I understand that those people have done particularly well. I wonder how many of them would declare their interests to the public. There are a number of powerful unions in this country which have office bearers who do not declare their assets, just as there are a number of people who have important positions in companies, in Government and in a whole range of organisations who do not have to declare their interests.

The judges in this State, and indeed Australia, probably hold the highest office in the land, yet they do not have to declare their interests. As I have said previously, there are a number of people who can affect decision making in this country, involving not only the elected officers of the country but also those people who are appointed or who have gained their positions through merit and who have a powerful influence on decisions made in this country. It is an anachronism that we should subject people who have made a contribution to this State to such divisive tactics as the Labor Party wishes to employ. Let us be quite clear on the intent of this Bill: divisiveness, and an attempt to reduce the number of people who have achieved something in life and who wish to hold public office. As I said before, the State legislation has been abused, as the member for Hartley will admit.

**Mr Groom:** I will not.

**Mr BAKER:** In all probability it will be abused at the next State election, and certain people will bear the full brunt of the legislation and incur the penalties involved. I believe that there need to be some checks and balances in the system. I believe that elected representatives must be responsible, but I do not believe that a public register of interests is necessary. For the member for Hartley to suggest that elected representatives are any different from those people who have attained certain positions in society and positions of power but who do not have to declare their interests is inconsistent with the basic premise that he is trying to advance. I believe that every member of this Chamber should reject this legislation until something more positive is produced.

The Committee divided on the motion:

Ayes (21)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (15)—Mrs Adamson, Messrs Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott, Mayes, and Peterson. Noes—Messrs Becker, Blacker, and Oswald.

Majority of 6 for the Ayes.

Motion thus carried.

*Amendment No. 2:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 2 be disagreed to.

This amendment relates to councils being allowed to postpone, with the Minister's consent, periodic elections. The Government does not agree with this amendment. Provisions that currently exist in section 120 of the Act allow for such a decision to be made in special circumstances. To write a provision such as this specifically into the Act would provide the opportunity for councils to postpone elections, and I do not think that we should accept such a provision. By way of example, in regard to a town council, the mayor, the clerk or whoever may be concerned could write to the Government, in which that person may think he or she has friends, and request a deferment of an election, giving a whole host of reasons for wanting to do so, some of which could be legitimate and others less than legitimate. I do not believe that such a provision should be included. All councils should hold elections at the same time. I do not think that an ability to delay an election in local government would in any way add to the better running of local government.

**The Hon. B.C. EASTICK:** This amendment, together with amendments Nos 12 and 25 to 33 inclusive all relate to the time of the holding of elections, and I am prepared to debate this matter as it relates to those amendments.

**The CHAIRMAN:** The honourable member may canvass the matter as it relates to the amendments, although it must be understood that we have only amendment No. 2 before the Committee at present.

**The Hon. B.C. EASTICK:** My remarks may range a little more widely than amendment No. 2. However, on a procedural matter concerning the writing of the final Bill: if, say, a new subsection (1a) is inserted, will the numbers of the existing subsections of new section 94 be altered to take account of the insertion of the new subsection, so that new subsection (1a) will be numbered subsection (2), and so on?

**The CHAIRMAN:** I understand that the subsections would be renumbered accordingly.

**The Hon. B.C. EASTICK:** Currently the Bill provides for elections to be held in May. The other place is seeking to provide that the time of election shall be the third Saturday in October. In the course of debate on this matter it was pointed out that if the elections were held on the third Saturday in October rather than the first Saturday a clash with the football grand final can be avoided. The point was also made that in some areas the harvest would be in train at that time, and therefore in some council areas there might be problems associated with holding council elections at that time when the vast majority of the agricultural community is involved in harvest operations. The Minister, being a country boy, would recognise that that would be a reality.

The alteration to section 94 (1) (a) was to allow for a time other than the third Saturday in October to apply. The Opposition is prepared to take this as the test case for the lot, although it is not the major clause, and accept the reality

of the retention of the October date. This was canvassed during the passage of this Bill through this Chamber. Examples were given of a number of councils that had made their views known with regard to an October date rather than a May date. Subsequent to the passage of this Bill in this place there were a number of representations where local government bodies mentioned that they could see no purpose in moving away from October. It was on the basis that to put a person into a council, particularly with the Government's proposal where it was all in all out in the first year after election if it were made, if there had been a complete or significant change of councillors—and the question arises as to whether that would ever happen—then the whole of the Budget debate (because the decision had been made by alteration of the Act that the budget must be decided and the rate set by 31 August in any year) would take place ahead of the councillors' having had an opportunity of a good grounding in council activity.

The President of the Local Government Association indicated on air this morning that there was a feeling in local government that May was the best time. I hope that I have not misquoted him. However, the question has arisen that it was too short a period of time between possible election and being embroiled in the acceptance of the budget and the setting of a rate. It is on that basis that the Opposition gives support to the measure from another place, and amendment No. 2 will be the test.

I found myself in this position when I entered local government in 1963. I was elected on a Saturday evening, attended my first council meeting on the Monday night, and the rate was set without what I believe was an adequate budget but on historical accounting or historical gut feeling. I had difficulty after that in coming to grips with where council was going because, if it wanted to go into a new direction, it moved off in that direction, quite apart from the statements made by way of a budgetary approach on 1 July. Subsequently, matters changed, and I know that local government generally is much more responsible these days in the preparation of the proper budget and in line control, which seeks to keep expenditure within budget or, if there is a direction away from the original budgetary action, to be at the expense of another line which is reduced accordingly.

To know the requirements of local government budgeting or finances takes more than five minutes, and whilst it may be that when the further rewrites of the Act are provided there is a more comprehensive outline for any new councillor to understand what he is becoming involved in, it does not exist at the moment. I uphold the view expressed in another place about holding the elections in October after the budget has been set and the rate forwarded; that is good for local government.

One other matter that the President of the LGA pointed out in a statement attributed to him this morning related to rate notices being distributed at the same time as the election, which might have an adverse effect on councillors. That is a possibility but today, with the sophisticated machinery available, the fact that the rate must have been set by 31 August—many councils have their rate notices out by the end of July, certainly by the end of August—it is not directly a problem which would be necessarily before the people as a new rate notice at the time of the election. However, because there are 60 days to pay, the time of payment would be almost simultaneous with the day of election, which might have a less than complimentary benefit. Notwithstanding those views, I will support the action taken in another place and will vote accordingly.

**The Hon. G.F. KENEALLY:** The honourable member implied that there would be difficulties at harvest time with an October election. So, amendment No. 2, allowing for periodic elections to be postponed, was in relation to that. I live in a railway town with a very high percentage of people who are on what we call running staff, and who make their living at being enginemen and guards on trains that leave Port Augusta to go west and north. So, in any week of the year many people at Port Augusta are away from the town. I do not suggest making provision to hold an election to suit their needs: they have the facility of advance voting. Harvesting time may or may not coincide with an election date but, if it does, there is a facility available of advance voting and consequently no need to seek to postpone an election.

I am happy to use amendment No. 2 as a test case for amendment Nos 2, 12, 25, 26, 27, 28, 30, 31, 32 and 33. I point out that amendment No. 3 deals with the date of an election. Amendment No. 3, in clause 7 *(a)* (i), provides for the election on the third Saturday in October. This is a technical amendment that will need to be included in the Bill, whatever the date. In opposing the third Saturday of October and insisting on the first Saturday in May, I point out that amendment No. 3 will have to be included with either of those two dates. While we will use No. 2 for a test case for Nos 3, 12, 25, 26, 27, 28, 30, 31, 32, and 33, that point should be taken into consideration.

**The CHAIRMAN:** The Chair can deal with amendments only in numerical order, but it is allowing the Committee to canvass other clauses that may be consequential or deal with the same matter. However, when the Committee comes to those relevant clauses the debate should not be repeated.

**The Hon. B.C. EASTICK:** I was hoping to refer to amendment No. 3. It was one that I missed earlier, and I was prepared to forgo the whole of No. 3 because I did not pick up the technical consequences to which the Minister referred. But, I realise that it was an amendment put into the Bill in another place by the Government, it having been found that there was a technical consequential amendment required. I accept that point.

My final comment on this matter relates to the Minister mentioning railwaymen going off at all times of the year and no particular benefit deriving from that. Their position, and indeed the retention of the first Saturday in October, is quite separate from the third Saturday in October with which we are dealing at present. Those dificulties have been greatly overcome by other clauses in the Bill which now provide for forward voting and for a much more reasoned approach to postal voting. One could argue that the *status quo* is maintained with the first Saturday in October because those who want to go to the football could pre-vote. That was not the manner in which this whole matter was canvassed. Whilst I laud the appearance in other clauses of the Bill of those enlightened voting methods, I still hold with the proposition before the Chair, which will be to oppose the motion.

The Committee divided on the motion:

Ayes (21)—Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (16)—Mrs Adamson, Messrs Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott, Mayes, and Peterson. Noes—Messrs Becker, Blacker, and Oswald.

Majority of 5 for the Ayes.

Motion thus carried.

*Amendment No. 3:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 3 be disagreed to.

**The Hon. B.C. EASTICK:** This is quite a spectacle to find that on two successive nights persons responsible for amendments have voted against their own amendment.

**The CHAIRMAN:** The Chair finds it rather confusing too, but nevertheless the question before the Chair is that the amendment be disagreed to.

**The Hon. G.F. KENEALLY:** The reason that that occurred is purely mechanical. But, one of the motivating factors was that it was really amended in the other place, and is not quite the amendment we sought to place on the Statute Book.

Motion carried.

*Amendment No. 4:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 4 be disagreed to.

This amendment seeks to enable the Chairman of the Local Government Advisory Commission to be a legal practitioner. Currently, the Chairman is a judge of the District Court. That has worked satisfactorily in the Government's view and we would wish to see that position maintained.

**The Hon. B.C. EASTICK:** When the matter was debated previously grave concern was expressed at the difficulties experienced by people in judicial positions not necessarily having adequate time to fulfil additional roles such as this one. Indeed, I obtained an assurance from the Minister that every endeavour would be made to ensure that there would be no delays because of a person's prior commitment in a judicial position or role, with consequent disadvantage to local government. The amendment which has come forward from another place I believe is very commendable. It gives weight to the point I make. I do not reflect upon the judiciary, but, having regard to remarks which have sometimes been made by quite senior people within the judiciary that their true role is being hampered by the number of additional activities that they are expected to undertake, the provision made by another place is very commendable and one which we most decidedly support.

I note that amendments Nos 5 and 6 relate to the same clause, and perhaps because they broach a different subject area I will leave any further comment on them until I have heard from the Minister on that point. However, I am contemplating on which one we will divide if the Minister is unresponsive to the plea I make to him. I believe that the first one we are discussing in relation to the chairmanship of the Advisory Commission is an important one and we would necessarily divide on that.

The Committee divided on the motion:

Ayes (20)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (16)—Mrs Adamson, Messrs Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott, Mayes, and Peterson. Noes—Messrs P.B. Arnold, Becker, and Blacker.

Majority of 4 for the Ayes.

Motion thus carried.

*Amendments Nos 5 and 6:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 5 and 6 be disagreed to.

These amendments require the United Trades and Labor Council and the Local Government Association to submit a panel of three names for selection of a nominee to the Commission. I pointed out when this matter was debated earlier that I believed that both the Local Government Association and United Trades and Labor Council are responsible bodies and that we ought to accept their nominees as an acknowledgement of that responsibilty. We would wish to see our original legislation continue.

**The Hon. B.C. EASTICK:** When these measures were canvassed previously, it became obvious that there were two classes of citizens, and the United Trades and Labor Council stood out against the rest by refusing to submit a panel of three names. Because it could get to the barrier putting up only one name instead of three, the case including the Local Government Advisory Commission would be a special one. There may well have been other occasions when the same attitude has been adopted and it is a pretty poor situation when the requirements of the Government for a panel, which is used extensively in Government appointments, have been denied by that body, with the result here that only one name will apply. I will not call for a division on this issue, but I merely repeat my concern that the Government should succumb to what amounts to pressure by one interested group.

Motion carried.

*Amendment No. 7:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 7 be agreed to.

**The Hon. B.C. EASTICK:** We agree with this amendment. In respect of the measure on which we have just voted, the activities of the Commission would be capable of providing a great benefit for local government, and I look forward eventually, after conference, to that measure becoming complementary to the one we are accepting now.

Motion carried.

*Amendment No. 8:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 8 be disagreed to.

This amendment seeks to increase the Government's powers in relation to defaulting councils so that the Government would have the power to dismiss such defaulting councils. It was my impression, and no doubt the member for Light will advise me if I am wrong, that the Opposition's policy was contrary to this, but that may not be a subject that he wishes to canvass here. The Government does not agree with this extension of powers and, therefore, seeks to defeat this amendment.

**The Hon. B.C. EASTICK:** This amendment involves the area of defaulting, and it broadens the options available and provides for positive action to be taken to overcome any difficulties occurring in local government. I believe that it is a most useful adjunct to that which is already contained in the Bill and one which could well benefit local government, not on a regular weekly or monthly basis but certainly on two or three occasions in the year. I firmly believe that it is worthy of inclusion.

Motion carried.

*Amendments Nos 9 and 10:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 9 and 10 be disagreed to.

These amendments seek to change the term of office from the three years all in all out provisons in the Government's legislation to two years. The disagreement here is as to the term of office. The Government seeks to have three years and the Opposition seeks two years. We believe three years is the most appropriate and desirable term. We oppose the amendment.

**The Hon. B.C. EASTICK:** I note that Nos 9, 10 and 28 relate to this measure. The Opposition has canvassed this position quite widely since the Bill was introduced following

representations made by a large number of local governing bodies and individuals. It is a measure which was well to the fore in the material that was made available to local government following the distribution of the original Bill or the proposed Bill in November last. It was a matter which was discussed in a broad way at the Local Government Association annual general meeting. It is a matter which many councils referred directly to me and to a number of other members of the House.

As a result of the information which was made available and the concern which was expressed that the Government's three year all in all out was not necessarily well to the fore in the thinking of local government generally, I saw fit to contact all local government bodies through their chairman or mayor. The response was very much appreciated by me. A large number of local government bodies responded (in fact, 103 of them), many by telephone and subsequently confirming their views in writing. I have compiled a table of the respsonses of the local governing bodies and, because they add weight to the feeling on this measure and are complementary to the information which was introduced into the debate at the second reading stage on 3 April, I have a statistical table which is a comparison of individual local government attitudes to terms of office in the Act rewrite, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Table 1
Comparison of Individual Local Government Attitudes to 'Term of Office' in Act Rewrite

P = Phone call V = Visit
L = Letter T = Telegram

| Name of Council | Status Quo | 3 Year All In-All Out | 4 Year ½ In-½ Out | Remarks | |
|---|---|---|---|---|---|
| Cities | | | | | |
| Adelaide | | | Strongly supported | | L |
| Brighton | Popular with Mayor for 2 years | With reluctance | No view | 4 year never considered by Council | P & L |
| Burnside | | | Supported | | P |
| Campbelltown | | Only if desired by Parliament | 1st preference | | P & L |
| Elizabeth | | Supported | | | V |
| Enfield | | Strongly opposed | | | P |
| Glenelg | | Too much of a burden | Supported | | P |
| Happy Valley | | Supports | | | P |
| Henley & Grange | | Supports | | | P |
| Kensington/Norwood | | Agreed | | | P |
| Marion | | Long term view (qualified) | | May need to be rethought unless voting method is altered | L |
| Mitcham | | | Supported | | L |
| Mount Gambier | Preferred | Opposed | Could accept as 2nd preference | | P & L |
| Noarlunga | Retain Mayor 2 years | Not fussed | | | P |
| Payneham | | Supported | | 1 year not realistic, 2 years too short | P |
| Port Adelaide | Retain | Reluctant | No view | | L |
| Port Augusta | No response | | | | |
| Port Lincoln | | Supported | | Can live with it | P |
| Port Pirie | | | Supported | | P & L |
| Prospect | | | Supported | On Council vote | P |
| Salisbury | | Supported | | Alternative not canvassed by Council | P & L |
| Tea Tree Gully | | Supported | | | P & L |
| Unley | 2nd choice | Against | Preferred | | P |
| West Torrens | | | Supported (Mayor 2 years) | | T |
| Whyalla | | | Supported | | P |
| Woodville | Preferred 2 year also for Mayor and Aldermen | | | | L |
| Municipalities | | | | | |
| Gawler | Personal preference | Majority Council vote | | | P |
| Hindmarsh | | | Supported throughout | | P & L |
| Jamestown | | | Supported | | P |
| Moonta | | | Strongly supported | | L |
| Naracoorte | No response | | | | |
| Peterborough | | Supported | | | L |
| Renmark | | Supported | | | P |
| St Peters | 1st preference | 2nd preference | | Believes is too long | P |
| Thebarton | No response | | | | |
| Walkerville | Satisfied | Least attractive | May be too long | | P & L |
| Wallaroo | No response | | | | |
| District Councils | | | | | |
| Angaston | | Reluctant | | | P |
| Barmera | | | Supported | | L |
| Barossa | | | 1st preference | | P & L |
| Beachport | Retain | Opposed | No view | | P |
| Berri | Happy arrangement | Opposed | Supports | | P & L |
| Blyth | | Supported if ⅓ ⅓ ⅓ | | | P |

| Name of Council | Status Quo | 3 Year All In-All Out | 4 Year ½ In-½ Out | Remarks | |
|---|---|---|---|---|---|
| Brown's Well | No response | | | | |
| Burra Burra | | Supported | | | P |
| Bute | No response | | | | |
| Carrieton | Preferred | Works in other States | Too long | | L |
| Central Yorke Peninsula | Preferred result | Reluctant | | | P |
| Clare | | Reluctantly | | | V |
| Cleve | No response | | | | |
| Clinton | 1st preference | Opposed | 2nd preference | | P |
| Coonalpyn Downs | No response | | | | |
| Crystal Brook | Preferred | Not totally resisted | | | L |
| Dudley | Retain | 2nd preference | Opposed | Special Meeting 16/4 | L & P |
| East Torrens | No response | | | | |
| Elliston | | Agreed | | | P & L |
| Eudunda | | Agreed | | | P |
| Franklin Harbour | No response | | | | |
| Georgetown | | Reluctantly supported | | No meeting until 1.5.84 | P & L |
| Gladstone | | Supports | | | P & L |
| Gumeracha | | | Supported | | L |
| Hallett | Retain | | | | L |
| Hawker | No response | | | | |
| Jamestown | No response | | | | |
| Kadina | | | Satisfactory | | P |
| Kanyaka-Quorn | | Supported | | This and other L.G. views | P & L |
| Kapunda | | | Supported | | P |
| Karoonda-East Murray | | Supported | | | L |
| Kimba | No response | | | | |
| Kingscote | No response | | | | |
| Lacepede | Retain | Against | | | P |
| Lameroo | No response | | | | |
| Laura | Retain | Never | Supportable | | P & L |
| Le Hunte | No response | | | | |
| Light | | Opposed | Supported | | P & L |
| Lincoln | Completely happy | No | O.K. | | P |
| Loxton | | Supported | | | P & L |
| Lucindale | | Supported | | | P |
| Mallala | | Supported | | 6/4 vote | P & V |
| Mannum | Retain | | | | P |
| Meningie | No response | | | | |
| Millicent | | Only if ⅓rd election each year | Supported | Letter option 3 | P & L |
| Minlaton | | Only if ⅓rd elected each year | | | P |
| Morgan | Retain | | | | P |
| Mount Barker | Retain | Opposed | 2nd preference | | L |
| Mount Gambier | Retain 1st preference | 2nd preference | Too long | Letter of 26.4.84 suggests as in Bill | L & P |
| Mount Pleasant | | | Supported | | P |
| Mount Remarkable | Retain | Originally accepted as a compromise | Too long | Mayor only 2 years | L & P |
| Munno Para | | Supported | | Alternative not yet considered by Council | P |
| Murat Bay | | Earlier support when no alternative available | Supported | | P |
| Murray Bridge | | Supported | | | P |
| Naracoorte | Retain | Opposed | 2nd preference | | P |
| Onkaparinga | Retain | | 2nd preference | | P |
| Orroroo | | Supported | | | P |
| Paringa | | Accepted | | | P |
| Peake | 1st choice | | 2nd choice | | L & P |
| Penola | 1st preference by Mayor for 2 years | Declined | Accepted | Special debate | P & L |
| Peterborough | | Supported | | | P & L |
| Pinnaroo | Retain | | | | P |
| Pirie | | | Supported | | P & L |
| Port Broughton | 2nd preference | 3rd preference | 1st preference | | L |
| Port Elliot/Goolwa | | | Supported | Council meeting 16/4 | L & P |
| Port MacDonnell | Retain | Opposed | Too long | | P |
| Redhill | No response | | | | |
| Ridley | No response | | | | |
| Riverton | Satisfied | Agreed with reluctance | | | P |
| Robe | | Accepted | | | P |
| Robertstown | | | Supported | Considered 13/4 | L & P |
| Saddleworth/Auburn | No response | | | | |
| Snowtown | Retain | Not favoured | 2nd preference | | P & L |
| Spalding | | Earlier support changed | Preferred | | P |
| Stirling | | | Supported | | P & L |
| Strathalbyn | | | Supported | By Council decision | P & L |
| Streaky Bay | No response | | | | |

| Name of Council | Status Quo | 3 Year All In-All Out | 4 Year ½ In-½ Out | Remarks | |
|---|---|---|---|---|---|
| Tanunda | | Once favoured | Supported | | P |
| Tatiara | | Favoured | 2nd preference | | P & L |
| Truro | | No response | | | |
| Tumby Bay | | | Supported | | P & L |
| Victor Harbor | Preferred | | Too long | | P & L |
| Waikerie | | Acceptable | Too long | | P |
| Wakefield Plains | | Supported | | Alternative two years all in all out | P |
| Warooka | Preferred | Strongly opposed | | | L |
| Willunga | 1st preference | 3rd preference | 2nd preference | | P |
| Yankalilla | 1st preference | | 2nd preference | | P & L |
| Yorketown | | Supported | | | P |

**The Hon. B.C. EASTICK:** That information, which is available, is summarised in table No. 2, where an attempt is made to indicate, depending upon whether it is a city, municipality or district council, the attitude of the local governing bodies. This material is also purely statistical and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Table 2
Summary of First Preference Attitude to Term of Office

| Attitude | Cities | Municipalities | District Councils | Total |
|---|---|---|---|---|
| No response | 1 | 3 | 18 | 22 |
| Present 2 year annual election | 5 | 2 | 28 | 35 |
| Proposed 3 year all in, all out | 9 | 3 | 24 | 36 |
| Alternative 4 years ½ and ½ | 10 | 3 | 18 | 31 |
| Opposed to 3 years but no identification of an alternative | 1 | — | — | 1 |
| | 26 | 11 | 88 | 125 |

**The Hon. B.C. EASTICK:** There is a further table which I submit, table 3, which is an analysis of the three-year all in all out vote as expressed by local government. I seek leave to have table 3 inserted in *Hansard* without my reading it.

Leave granted.

Table 3
Analysis of 3-Year 'All In All Out' Vote

| | |
|---|---|
| Supported | 29 |
| Supported reluctantly | 4 |
| Otherwise qualified | 1 |
| Only if ⅓ ⅓ ⅓ | 2 |
| | 36 |

We find that 36 of the 125 councils expressed a view in first preference accord of three-year all in all out. If we analyse those 36 votes which were provided by the local governing body, we find that only 29 of them supported it outright. Four indicated they supported it reluctantly; one council has not qualified its approach other than reluctance, and two indicated that they would only accept the three-year all in all out if it was on the basis of one-third each year, that is, a continuance of an annual election basis with a third of the councillors retiring each year. I do not believe that that proposition is one which anybody on either side of the House would want to seek to undertake, because really to be of any value at all, it would require an arrangement where each ward was represented by three councillors, or alternatively to have multiples of three in the total membership of the council to give an even distribution of elections each year.

I know some councils have a different number of councillors being voted for in alternate years, where there is an uneven number of total councillors, but basically I believe that there should always be the likelihood of the same number going to the poll.

There may be some criticism of the information which was provided in that 22 of the 125 councils did not respond to the request that was made. Subsequent responses have been received which would reduce that 22, but since the compilation of this document I have not sought to take it further, but reverted to the information which was made available to the Local Government Department and the Local Government Association and other persons back in November. I submit table No. 4, which again is statistical. It is the views on terms of office from the non-response group, that is, the non-response group in March-April 1984 as against the November response of that non-response group. I seek leave to have that table inserted in *Hansard* without my reading it.

Table 4
Views on Term of Office from Non-Response Group as at November Response

| | 3 year all in all out |
|---|---|
| CITIES | |
| Port Augusta | Against |
| MUNICIPALITIES | |
| Naracoorte | No view |
| Thebarton | No view |
| Wallaroo | No view |
| DISTRICT COUNCILS | |
| Brown's Well | No view |
| Bute | Against or rotational |
| Cleve | ½ and ½ |
| Coonalpyn Downs | No view |
| East Torrens | No record |
| Franklin Harbour | Accepted |
| Hawker | No record |
| Jamestown | Against |
| Kimba | No view |
| Kingscote | Reluctantly |
| Lameroo | Against |
| LeHunte | Against |
| Meningie | Against |
| Redhill | Accepted |
| Ridley | No view |
| Saddleworth/Auburn | No view |
| Streaky Bay | Against |
| Truro | No record |

**The Hon. B.C. EASTICK:** That information is again referred to in table No. 5, which is an analysis of the views on the term of office of those 22 non-response councils, and I seek leave to have that table inserted in *Hansard* without my reading it.

Leave granted.

Table 5
Analysis of Views on Term of Office

| | |
|---|---|
| No record either occasion | 3 |
| Against 3 year | 7 |
| Accepted reluctantly | 1 |
| Accepted ½ and ½ | 1 |
| Accepted | 2 |
| No view expressed | 8 |
| | 22 |

**The Hon. B.C. EASTICK:** I have taken the opportunity to have that information inserted in *Hansard* for the benefit

of those who closely follow the debate on this issue, because it clearly indicates that there is not and has not been a fixed view by the individual practitioners of local government, if we take each individual council as a practitioner of local government. A great number of the responses received were directed to my attention after the council had met to consider the request which had been made to the Mayor or Chairman, so they are not views which are inserted into the record by one person; they are not views which are inserted into the record without council approval. A number of votes have actually been taken on the floor of the council. A number of them fortified the decision which they expressed in documentation circulated in November last year. A number have departed from a position they held in November last year, because—and all the information which has been made available from these local governing bodies in letter and telegram form is available for any member to view—they did not believe, and they said it quite clearly, that there was any opportunity of an option. It was either as it was or three years all in all out.

A number of them have expressed a point of view that they are concerned that the breadth of debate allowed to them either in regional meetings or elsewhere has not been wide enough to have allowed the canvassing of all the options available in relation to term of office. I believe that that debate will go on for some considerable time. It is fairly clear, if one takes the information available, that the option favoured by the majority of councils is a four-year period, half retiring on each second year.

However, members in the other place saw fit not to accept amendments along lines similar to those moved in this place previously. What I see as being a compromise situation is being accepted by the other place, reducing the all in all out three-year option to an all in all out two-year option. There are significant advantages in accepting that position, although the Opposition in this place considers that it goes only half way. It does not extend to the position which we presented publicly and which has been accepted by a large number of people in local government.

This provision achieves almost what the Government requires and goes part of the way towards achieving what the Opposition requires. Certainly, it is agreeable in a sense that with the all in all out system three years for Mayor is too long, as it is for a councillor. Those who spoke against the four-year half and half arrangement did so on the basis that a period of four years was decidedly too long. The option provided was that the mayor and the aldermen would be elected for only a two-year period. I believe the amendment should be supported. Certainly, the Opposition supports the amendment.

**The Hon. G.F. KENEALLY:** I thank the Opposition for making available the tables to the Department. I listened to the honourable member very closely: having regard to all those documents offered for inclusion I thought the honourable member was going to include the letter from local government addressed to him which I understand indicated the Local Government Association's opposition to the Opposition's decision here and in another place.

**The Hon. B.C. Eastick:** The next letter backed away from that position. Let us not be selective in quoting.

**The Hon. G.F. KENEALLY:** The honourable member has me at a gross disadvantage. I would be very interested to see the second letter that is addressed to him, as I have not yet seen it, although I am aware of the letter to which he has referred. As honourable members would probably know, the term of office in the Northern Territory is four years, and has been for some time; in New South Wales it was increased recently to four years; in Queensland it is three years, and has been for 70-odd years; in New Zealand I understand it is three years; and the Victorian Parliament has just passed a provision that the term of office for the Melbourne City Council is three years.

The suggestion for a system of three year all in all out is not a radical one. Even four years all in all out is not radical. There are plenty of precedents for it in Australia and New Zealand. Therefore, I believe that three years is an appropriate time, having regard to consistency, as both State and Federal Parliaments have three-year terms. I know that a number of Parliaments in Australia are moving towards increasing terms of office from three years to four years, but at the moment three year terms is the mean, and we are merely bringing local government into line with that and in so doing are acknowledging the importance of local government *vis-a-vis* the other two major levels of government.

**The Hon. B.C. EASTICK:** It was unfortunate that the Minister should see fit to seek to draw into the debate matters concerning correspondence received by another person.

*The Hon. G.F. Keneally interjecting:*

**The CHAIRMAN:** Order!

**The Hon. B.C. EASTICK:** The material, rightly, has been made available, and I appreciate that it was made available to the Department of Local Government. It is a useful record and, as I have indicated, matters pertaining to the ramifications of it will be debated for quite a long time. There is no clear-cut view of local government which supports any one of the options. The *status quo* is preferred. A number of views were expressed in another place indicating that the *status quo* ought to prevail, and many councils had expressed that point of view. When this matter was debated previously I indicated that I could see the validity of the argument for moving away from annual elections which would provide a greater benefit to local government in regard to having a longer period of time between elections. We are not in disagreement on that basis—it is simply a matter of degree in regard to the length of time involved. The Opposition supports the amendments from the other place and we seek the Minister's support.

The Committee divided on the motion:

Ayes (20)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally (teller), Ms Lenehan, Messrs McRae, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (17)—Mrs Adamson, Messrs. Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Rodda, Wilson and Wotton.

Pairs—Ayes—Messrs Abbott, Mayes and Peterson. Noes—Messrs Becker, Blacker and Oswald.

Majority of 3 for the Ayes.

Motion thus carried.

*Amendment No. 11:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 11 be disagreed to.

This amendment seeks to change the provisions relating to the payment of allowances to members of local government. It is contrary to the intent of the Government and therefore we oppose that amendment.

**The Hon. B.C. EASTICK:** The variation made was inserted by the combined effort of the Opposition in another place. It is not the specific amendment we looked at previously which sought to remove the provision of an allowance other than *bona fide* expenses and a mayoral allowance. I am not satisfied that the measure being considered is totally in the best interest of administration. It goes part way to the point that the Opposition would seek to arrive at, and that is that there be no allowances. It may well be

that it is a matter which will be debated in another forum. However, because it goes part way towards achieving what the Opposition would have, I seek a change of heart by the Minister and indicate that we will vote for the amendment made in the other place.

The Committee divided on the motion:

Ayes (21)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, and Keneally (teller), Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (17)—Mrs Adamson, Messrs Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott and Peterson. Noes—Messrs Becker and Blacker.

Majority of 4 for the Ayes.

Motion thus carried.

Progress reported; Committee to sit again.

**The Hon. G.F. KENEALLY (Minister of Local Government):** I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

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

Debate in Committee (resumed on motion).

*Amendment No. 12:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 12 be disagreed to.

This amendment is consequential to amendment No. 2, which has already been disposed of.

Motion carried.

*Amendment No. 13:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 13 be disagreed to.

This amendment seeks to deny the right of councillors to refuse an allowance. It is the Government's view that councillors ought to be able to refuse an allowance. This amendment seeks to deny them that right, so we oppose it.

Motion carried.

*Amendments Nos 14 to 17:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 14 to 17 be disagreed to.

I point out that amendments Nos 23 and 24 are consequential upon this amendment. This is an attempt to insert $10 000 rather than $5 000 as the penalty for breaches of the conflict of interest clauses. In a sense, it is consequential upon a matter already disposed of, the register of interests. The Government maintained its consistency in opposing the register of interests and believes that $5 000 is the appropriate penalty here rather than $10 000.

**The Hon. B.C. EASTICK:** I would like to be able to take the Minister literally and say that he has come to his senses by opposing the register of interests. The Opposition sought to have these sums inserted while the debate was proceeding in this Chamber. We believe it is consistent with an attitude of responsibility which the Minister seeks to include in the rewrite of the Local Government Act. If there are transgressions, then this Party, regardless of what the Government might think, believes that those transgressions should carry a very heavy penalty to indicate that we really mean that we want local government to function in the best possible way and that those who offend face a penalty commensurate with the attitude that we express. We will not divide on the issue, obviously, because it is a matter that has already been tested in the same form in this Chamber on a previous occasion. Suffice to say that we are as sincere about the matter now as we were then, and we trust that the eventual discussion in another place will bring some common sense into the penalty situation.

Motion carried.

*Amendments Nos 18 and 19:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 18 and 19 be disagreed to.

I acknowledge that this is a very important matter and one of the more controversial provisions of the Bill, The amendments deal with meeting times and the fact that meetings should be held before 5 p.m. This matter has been widely canvassed here and in another place. I do not intend to debate it again, because there has been ample debate already. The Government opposes this amendment.

**The Hon. B.C. EASTICK:** The Minister is correct in saying that this matter was debated loud and long on a previous occasion. There is no argument about that. It has been consistently promoted to the Opposition, the Government, and publicly. It was referred to in the most recent letter from the Local Government Association on Friday last and is a matter which is well to the fore. In fact, it was one of the two matters that were heavily canvassed. As I pointed out earlier, a number of councils in the first instance only canvassed two matters when they wrote to the Local Government Association and the Local Government Department—times of meetings and pecuniary interests. In the documentation that I made available to the House when we debated this matter on 3 April this year (recorded at page 3147 of *Hansard*) we found that 83 per cent of responding councils were firmly against this measure. Other comments have been made by respondents about this matter, the most recent letters to which I referred relating to the term of office.

Many of the letters which came in confirming attitudes towards the proposed term of office added an addendum saying that whatever else may happen, let us make sure that there is no pecuniary interest register and no 5 p.m. compulsory meetings of councils. In other words, councils are still promoting a positive attitude towards this matter. The Minister is aware of that and has acknowledged that it is a point of great difference between his Government and the Opposition, both in the Parliament and outside. This matter, along with the pecuniary interests proposal, has caused the local governing fraternity to say that if those two issues remain in the Bill they would rather see the defeat of the rewrite than see its passage. Quite apart from all the advantages that exist in the Bill they will not have a bar of those two issues, of which this is one. The local government fraternity has openly spoken of the possibility of public disobedience in relation to a measure inserted into the Act under which they function by charter of State Parliament that would constrict their activity and autonomy. Many of them would want to test that to the "nth" degree.

The last thing those in responsible Government want to see should be a set of circumstances that leads to public disobedience by a responsible group like local government, the group that we so frequently refer to as being on a par with Federal and State Governments—one of the trinity. The Government continues to do itself no good at all by persisting with this attitude. Although the Minister has said he will persist with it I ask him to think again, otherwise he will certainly face a division in this Chamber and a number of other divisions before the measure is finally decided.

**Mr LEWIS:** I rise to address the Committee about this matter because, as the member for Light pointed out, if ever there was a clause upon which a Government found itself in absolute conflict with local government, it has to be this one, especially as it relates to the local government organisations in the electorate that I represent. I believe that I pointed out to members of the House while in the Committee on the last occasion upon which we debated this matter that there are 19 local government areas wholly or partly in Mallee, which is about as many such areas as any other electorate would have, I am sure. In no small measure, of course, that is as a result of the size of the electorate itself and the sparsity of its population. The enormous problems which are caused by the sparsity of the population and the distance over which councillors have to travel to get to and from meetings is at the root of their opposition to this proposal. It would impose enormal personal inconvenience on a large number of those councillors.

Notwithstanding that, they expressed their very strong opposition to it on the grounds that it is just not reasonable to expect that they can get through all their business in one evening meeting a month. So, they would have to travel to and from their council office for the purpose of having council meetings more than once a month and, for the purpose of expediting business, that is not necessary. The only reason they would be doing so would be to comply with the letter of the law. As I pointed out to the Committee on the last occasion that it was discussing this matter, the way they would get around this vexed question of being forced to commence their meetings after 5 p.m. would be that once they got into their very first council meeting after the election at a time after 5 p.m., they would, after meeting for some time in the evening then adjourn the meeting to a time and date to be advised.

Then, later, notices for the next meeting of council would go out for the usual day in the next month. They would resume their adjourned meeting at some time convenient to them before 5 p.m. on that day and simply conclude it at 4.59 p.m., commence the next meeting at 5.01 p.m. and, before reading the minutes of the previous meeting, adjourn it and resume the adjourned meeting a month later at 9 a.m., 10 a.m., or whatever time they normally meet. There is no way in the world that they can be prevented from doing that, so the Minister is really insisting upon nonsense when he insists on regulating the times at which councils can or cannot meet.

It is lawful for the Government of the day to use its numbers to introduce a measure like this, but it is ridiculous. Anything is possible for a Government that can get the numbers, but whether something works in reality, and whether a Government really wants it to work, is something that the Government ought to consider before it sets out to do it. Because it is lawfully possible to do what I have suggested councils are considering doing, the Minister and the Government ought to save us all a lot of time by not forcing people into these embarrassing situations where they have to find loop-holes.

Councils could hold one meeting a year and make all the other meetings special meetings of council where they do not have to meet after 5 p.m., and do their business in that way. Why on earth the Government has this hang-up that causes it to insist that the quality of decisions made by councils that commence their meetings after 5 p.m. will be better than if they were to commence those meetings before 5 p.m. I do not know. It really amazes me that the Government can say that.

Furthermore, if the commencement time of council meetings is a real issue in any local government area or a real problem to the local people (the ratepayers) who are on the electoral roll for that council, it will become an election issue and councillors who support one viewpoint or another about the most desirable time to start meetings will offer themselves as candidates for election. Accordingly, the vote taken on polling day will determine the issue because the people who are elected will presumably, if it is an issue, be those who reflect the majority view of the electors in a local government area. Therefore, they will decide for themselves what they perceive as the most sensible time for their local government body to meet.

It is just not necessary for this Parliament, indeed this Government, to use its numbers to make laws that it knows it cannot force on people. They can find ways around them. It is just not necessary, and quite undemocratic. For this institution to insist that some other institution will meet at a particular time and may not meet at other times, or must commence to meet at a particular time and may not commence to meet at other times is ridiculous. It is like saying that chooks must not lay eggs before dusk because they will not be as good as if they were laid after dusk: it is about as sensible. The nutritional value of the eggs will vary about as much as the common sense of the ideas and by-laws made by local government, I suggest, and that is not at all. Local government is quite competent to make up its own mind about these matters and the Government ought to recognise that it will happen that way and it will bring itself into conflict with local government if it insists on taking the attitude that the Minister has indicated when he moved that the amendment be disagreed to. I urge him and his colleagues to reconsider the stupidity of the conservative nineteenth century view that they are advocating by insisting on this measure. They say that it precludes workers from participating when we all know that that is patently a lot of (to use a term that is relevant in the context of people in the Mallee) bull.

**Mr BLACKER:** I oppose the Minister's motion and support the amendments. This issue is indeed one to which I believe there is an answer. I do not believe that the Government is right; equally, I do not believe that it would be right for the Opposition to set a universal time for council meetings by which all councils must abide. It should remain the province of councils to decide when and where they shall meet and, more particularly, that flexibility should be available because circumstances vary between councils. There are two councils in my electorate, the members of which will be seriously disadvantaged if they are forced to meet before 5 p.m. Specifically, I mention the Corporation of the City of Port Lincoln, where one council member is involved in the hospitality industry and another in the security industry. Therefore, they start work at 5 p.m. and work into the night. That is the normal working pattern of those personnel and, as such, they are disadvantaged, but it is a disadvantage that in this case they are prepared to accept and around which they will work to become councillors. People who are involved in employment and traditionally work in the evening and during the night are disadvantaged by this legislation. Other persons whom it will disadvantage (and this is more of a practical nature) are country councillors, particularly those who have a long distance to travel.

In one council in my electorate there are two councillors who are obligated to travel more than 100 km to and from their council's meeting place; I refer to the District Council of Elliston. They are obligated to travel over probably one of the worst roads in this State in order to attend council meetings. That 110 km travels over the Polda Basin region and it is quite likely that those councillors come across several kangaroos on a trip. If those councillors are obligated to travel at night to and from council meetings, they will be placing themselves at some disadvantage. More particularly, if meetings are held at night the council probably

will have to sit on twice as many occasions as it would if it sat during the day to cover the same amount of business.

Two councillors and the Chairman of the District Council of Elliston are obligated to travel in excess of 100 km to attend council meetings. To then have to travel home at night and double up because the meetings are held at night is quite wrong. In such circumstances surely it is not unreasonable that those councillors be afforded the opportunity to set a time for council meetings that suits all councillors. If meeting in the day time does suit all councillors, why are they not allowed to do so? That is really the dilemma, first, for people who do have employment other than a normal nine to five type job, and secondly for those persons who live in excess of 100 kilometres away and have to travel extreme distances to attend a council meeting. It should be possible to achieve some reasonable compromise in those circumstances, and I oppose the motion.

The Committee divided on the motion:

Ayes (22)—Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs. McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (18)—Mrs Adamson, Messrs. Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott and Peterson. Noes—Messrs Becker and Blacker.

Majority of 4 for the Ayes.

Motion thus carried.

*Amendments Nos 20 to 22:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 20 to 22 be agreed to.

**The Hon. B.C. EASTICK:** Amendment No. 20 was inserted in another place because of certain information which was made available and was accepted by the Government. I still come back to the point that was made earlier that I trust there will not be very many more exclusions, because I believe it is important that open council does really mean open council. The one recognised here is a completely legitimate one.

Amendment No. 21 has picked up a point that was made when we debated it here. The matter was stood over while it was tested and checked, and I am pleased to see that the amendment has been inserted. It is extremely important that council be represented if there is to be a meeting of electors, and this makes that qualification quite clear.

Motion carried.

*Amendments Nos 23 to 33:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 23 to 33 be disagreed to.

These amendments are all consequential on amendments that have been disposed of.

**The Hon. B.C. EASTICK:** This matter involves an undertaking that I gave. The decisions have been taken, and we accept the position as put by the Minister.

Motion carried.

*Amendment No. 34:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Councils amendment No. 34 be agreed to

Motion carried.

*Amendment No. 35:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 35 be disagreed to.

Of course, this has consequential references to amendments Nos 37 and 41. It involves the method of counting votes. I guess we have had an interesting experience concerning this provision. The Government introduced in this Chamber a measure to provide for optional perferential voting. The Opposition opposed that and moved a provision for first past the post voting. In the event the optional preferential system was agreed to by this House and was referred to another place, where the Opposition has left the optional preferential provision and added an option involving proportional representation. I believe that that is not a move in the best interests of local government.

The policy of this Government, and it has been reflected in the amendments considered by the Chamber, is that there be consistency in the different forms of government—that there be consistency in terms of office, as well as a whole number of provisions, this—the method of voting—being one of them. I know that we do not have optional preferential voting for both Houses of Parliament here, but nevertheless the Opposition is aware that my Party in Government is committed to the optional preferential system. I am aware that proportional representation is a method of counting votes that finds favour with my political colleagues elsewhere, but nevertheless the Government is opposing this amendment which would cause, in my view, considerable confusion throughout the local government voting community.

Apart from the Democrats, I do not believe that any demand has been expressed for this provision. I am not aware of this matter having been widely canvassed. The honourable member may have had discussions with local government officials or with the Local Government Association. I have done so, and it is true to say that this amendment is not something that is sought. It seems to me that it is an amendment that has been thrown in at the last moment for reasons best known to members of both opposition Parties. There are a number of democratic methods for voting. The one that the Government is wedded to is optional preferential voting. I point out that there is a degree of confusion in this regard in the Liberal Party. We had a very strong debate about the first past the post system, and there were divisions, and so on. However, the issue of first past the post system was not canvassed in the other place by the Opposition or by the shadow Minister of Local Government. He did not even canvass the proportional representation system. The Government opposes this amendment.

**The Hon. B.C. EASTICK:** This matter has had a fairly chequered career, with the Minister seeking to fall back to the *status quo* position. The Local Government Association has indicated that it recognises the value of the *status quo* in a letter forwarded to the majority of members of Parliament last Friday. When debating the matter in this place previously I indicated on behalf of the Opposition that it would be much happier to accept the proposition put forward by the Government if it was extended to a full preferential voting system. At one stage I thought that was gaining a little bit of acceptance and appreciation. However, the Minister is now putting forward a proposition which is not particularly wanted by the Local Government Association or by local government generally. I consider that there is virtue in there being an option available to local government: whether it is this method or another is something that I will not canvass at this stage, but the legislation should provide an alternative. The Parliament must seek to provide a Local Government Act that will be workable, simple and one which seeks to cut a lot of the duplication and provide a good course for local government to follow.

There is an option available to local government in regard to district councils who may or may not have wards. At present there are about five council areas, that is, Warooka,

Kimba, Tanunda, and a couple of others which do not have wards. In an 'all in or out' situation, which has been accepted by both sides of the House (whether the term is for three years or two years) where we have, say, eight, nine or 10 councillors being elected at the one time, I believe there is a need for local government to have an alternative counting method other than that proposed by the Government, otherwise there will be some hiccoughs in making a decision as to who has been elected. Even though first past the post system is embraced by the Local Government Association (and personally I am happy with it and I know that a number of local government bodies are happy with it) there would be some difficulties arising when electing nine or 10 candidates.

The matter has been satisfactorily resolved in the past in those councils that do not have any wards, and the new Local Government Act will continue the previous provision. Already the District Council of Barossa has inserted advertisements into the newspapers circulating in the district asking for feed-back from electors as to whether they would favour that council moving from a ward system to a non-ward system. There is a distinct possibility that that initiative will be taken up by other councils resulting in there being not five but 20, 30 or 50 district councils working on a non-ward basis. There has been a greater degree of acceptance for non-ward operations since the old ward books disappeared. Formerly money raised in a ward had to be spent in that ward. Now, the prevailing attitude concerns what is best for council as a whole. Therefore, in view of that, there is likely to be a move towards non-ward operation. Because that is a distinct possibility, I believe that an alternative voting method is essential. The option is given to councils to determine which of the two options it will take.

**Mr Groom:** Why not put in first past the post as another option? Why not give a full range of options?

**The Hon. B.C. EASTICK:** It may well be that that proposition can be accommodated at a conference on this Bill, which is going to take place. The honourable member seems to be having a little bit of difficulty with the Caucus back bench committee as to whether or not he said the right thing. I am quite prepared to accept the member for Hartley's proposition.

*Mr Groom interjecting:*

**The Hon. B.C. EASTICK:** The honourable member should make up his mind whether he wants that proposal embodied in it or not.

**The CHAIRMAN:** Order! The member for Hartley is out of order and should not be interjecting.

**The Hon. B.C. EASTICK:** Perhaps the honourable member can contribute later, Sir. I am quite happy to accept the proposition made by the honourable member. It would make the Bill less definitive and give an option in a vital area to councils to do what it believes to be the most desirable. If the Government wants to test the feeling of the water and increase the options from two to three, I will be quite happy to accommodate that. I say sincerely to the Minister that I believe that with changing attitudes in regard to the ward system in an increasing number of councils an optional method of counting is desirable and I support the amendment.

**Mr GROOM:** I would have thought the Opposition would join with the Government in opposing the amendment because last month in this Chamber the Opposition was very vigorous in its support for first past the post voting. It called for a division when voting on the matter. It asked this Chamber to accept first past the post voting, and yet in another place the other half of the Opposition inserted one of the most ridiculous clauses that has come to this House.

They will give a limited choice to local government, not first past the post, which their Party in this Chamber very vigorously supported, and said that because it was the wish of local government they were supporting it. What happened to the wish of local government in the matter of a couple of weeks? Where did it go when it went to another place? What happened when it went to the Legislative Council? Where were Opposition members' inclinations towards local government when the measure came into their Chamber last month?

This amendment is absolute madness! It is not a full choice; it is only limited. Somewhere along the line they have dropped first past the post. They must have had a Caucus vote on it, otherwise they would not have voted for it when the division was called in this Chamber. What has happened to the member for Coles, who spoke in favour of first past the post? Where is her opposition to this proposal that has emanated from another place? Can you imagine the ludicrous situation that will develop—

**The Hon. Peter Duncan:** And hypocrisy.

**Mr GROOM:** And the hypocrisy of the situation where half the members of their Party support one form and half in another place support another form of voting. It is an indication of a major rift in the Liberal Party on this issue where they have not been able to reach proper agreement, and the best it can come up is one of the most ludicrous proposals I have ever seen. One can imagine what will occur if after every local government election every council has to sit down to try to decide what method of voting it will adopt. In one election it will be proportional representation, and in another it might be optional preferences. All one would have to do to get rid of ones mates is to change the voting system to suit oneself. Imagine the debates that will come up in councils! They will be paralysed because people will have different opinions. One cannot change a voting system just like that, from one election to the other.

Imagine electors in South Australia moving across the road into another local government council to find that there they have to use proportional representation, whereas on the other side they have to use optional preferences. It will bewilder the public, let alone members of the council. Why have honourable members opposite now done a complete somersault and supported a dual system (not a tri system) and abandoned the very thing that they defended in this Chamber?

Referring to their surveys, in my view they went behind the back of the Local Government Association by writing to all of those councils. The LGA is the appropriate representative body of these councils. Honourable members opposite sent out letters. On how many occasions did councils meet and properly consider this survey that honourable members opposite sent out? On how many occasions was it simply answered by the district clerk, the town clerk or the mayor? It is from the Local Government Association that they ought to be sifting the views of councils, not going behind its back, writing direct, and coming up with slanted surveys to suit honourable members opposite.

I have read the speeches of the members for Light, Coles and Murray, all of whom said that they were going to respect the wishes of local government. The LGA came out in favour of one form of voting and the member for Light's survey indicated that 33 councils were against a change in the voting system, 54 had no comment, and 13 were in favour. They said that that was a majority in favour of the *status quo* so they would support it. What happened in a few short days when it went to another place? Clearly, the Liberal Party is paralysed and divided and that is why we now have one of the most ridiculous amendments to come to this Chamber that I have seen.

**Mr LEWIS:** I am grateful to the member for Hartley for having expressed the inconsistent views of the Caucus backbench committee on local government. I do not know if it consulted with the Minister on these questions. Some of the arguments that he advanced for the views he was expressing were a little bit curious, to say the least. He says that it will confuse people in local government elections, because they will shift house from one local government area which has one balloting system in place and then find another system in operation in the new local government area to which they have moved to take up their new home.

The Labor Party itself is not averse to changing voting systems over time. I recall attempts that have been made from time to time to change the manner in which this place is elected, and more particularly the changes that have been made by the Labor Party to the fashion in which the Upper House elections are conducted. That is not all. More importantly, all one has to do in Australia is to cross State boundaries and the voting system changes. There is the classic and most outstanding illustration of that between Tasmania, which uses a Hare-Clark system, a multiple member electorate in State House of Assembly seats, and, say, South Australia or Victoria.

**Mr Groom:** Do you still support first past the post?

**Mr LEWIS:** I support the right of any Government organisation, be it State, Federal or local government, to choose a voting system which they regard as appropriate to their circumstances, and that has been spelt out by the member for Light. One other thing that the member for Hartley has to remember about the Party to which he belongs as compared with the Party to which I belong: he and all members of that Party enjoy the convenience of cowardice, knowing that if they cross Party lines in this place—

**Mr Mayes:** This is the most amazing argument.

**Mr LEWIS:** It is not amazing at all. There is absolutely no choice in the matter. Members opposite do not have to exercise their conscience.

**Mr Mayes:** You're arguing against what you argued for.

**Mr LEWIS:** You do not have to exercise a conscience; that is your problem. You have not got the guts and are not even given the credit for having the guts and neither are any of your colleagues to stand up and defend a position which you take.

**The CHAIRMAN:** Order! Order! Interjections are definitely out of order and cross interjections and cross arguments about something that has nothing to do with the amendment are certainly out of order. I would appreciate it very much if the honourable member for Mallee would periodically address the Chair.

**Mr LEWIS:** I regret that you felt left out of the debate. I am sorry.

**The CHAIRMAN:** Order!

**Mr LEWIS:** With respect, I will address my remarks to you about this most important matter. Members of the other place are not disciplined by any standing arrangement or constitutional provision in the Party to which I belong, to make a commitment to follow a line of argument advanced by me or any other member of that Party in this place. Their job is to act as members of a House of Review. They have a wisdom by virtue of the nature of the Chamber to which they belong, which some members in this place cannot afford to show publicly, even if they do have it. Certainly, members on the other side I have noticed cannot afford to exercise that wisdom; they know they have to survive, and they cannot bear the individual responsibility for expressing an opinion for which they are not made individually accountable; it is the opinion for which they as members of a Party are collectively accountable. That is where the cowardice comes in. They tell the public that there is no point in expressing a view or voting against the Party because they would not be there any longer.

'The moment we vote against the Party line we automatically resign, so there is no point in our doing so. Then we would not be there to represent you. We are, after all, rather nice chaps and girls. We can do more for you collectively as a group,' they say to the gullible public, 'so it is not in our interests to exercise our individual minds publicly in any way. We do it all behind locked doors. We have a Caucus and we come up with a view that we will express and advocate publicly.'

That is regrettable, you see, Mr Chairman, because it destroys the capacity of people who believe that individuals are each responsible for their actions. That is the way that laws of this land are written. It destroys the capacity of such people who believe in those values to respect members of the Labor Party. They do not have to be individually responsible. The Party to which they belong indeed specifically precludes them from being individually responsible and individually accountable. It argues in favour of the collective responsibility, and members of the Labor Party hide behind that.

I believe that local government should quite properly have the option of deciding from time to time whatever system of balloting it so chooses; that it is not the responsibility of this Chamber and the other place (as a Parliament) to impose our view, but merely to ensure that the law states that it should be democratic in some form.

I conclude by saying that I support the view expressed by the member for Light that there is an increasing body of opinion in the community that there ought to be no wards and that the whole of the district council area should elect all councillors. In those circumstances, an optional preferential system is essential to ensure that there are no tied ballots for the last position. The awkward situation could arise where one has, say, nine places with no wards and 10 candidates, and it is possible that all 10 candidates, where one puts a cross opposite the name of the nine candidates one chooses, would receive an equal number of crosses. Then what would the member for Hartley do? How would he decide which of the 10 would be excluded?

**Mr Hamilton:** Why not use the Liberal system and draw it out of a hat?

**Mr LEWIS:** From the deep we hear the member, I think from over the top of the sandhills, from Albert Park, saying—

**The CHAIRMAN:** Order! The honourable member for Albert Park is out of order and the honourable member for Mallee is out of order in answering him.

**Mr LEWIS:** I regret that the Chamber was quite clearly capable of hearing the remark that the honourable member made. That, therefore, necessitated my answering it by saying that it is not reasonable to decide whom to exclude by the short straw method. Not even the member for Albert Park could argue with that. In those circumstances, to have any system other than an optional preferential system is to risk confrontation with a ridiculous situation that cannot be resolved without the cost of another ballot which is not evisaged anywhere in this Bill.

So, I do not know how that would solve the matter. The Minister does not have the power to resolve it. I wonder how he would resolve it. I think he would be very wise indeed simply to accept that it is a good idea to have the options available to councils in the form that I and my spokesman on these matters (the member for Light) suggest. It will prevent the Parliament, the courts, or the minister from being involved in any controversy about a tied ballot for the last place.

**The Hon. B.C. EASTICK:** The member for Hartley made a contribution. He suggested that there was some major conflict with my colleagues in another place by their not pursuing a course of action which was pursued here. Let the record be quite clear and straight. My colleagues in

another place do not have the numbers. Collectively with the Australian Democrats they are able to exercise an influence on the passage of legislation. Whilst they were quite prepared to go along with a first past the post voting system that was not the course of action that the members who support the Democrat Party were prepared to follow.

However, there was an alternative proposition which was satisfactory to my colleagues, which was supportive of the Australian Democrats, and which sought to give to local government the option of proportional representation. Being realists, recognising the virtues which there were in that alternative for local government, they were quite prepared to offer the opportunity to the Parliament to consider that position, which they did. The offer that I sought to take up from the member for Hartley who interjected and made a contribution to the debate which was worth while because it allowed us to extend the consideration of this area, was by all means to accept a third alternative.

I have clearly pointed out that it is not completely in keeping with the attitude expressed by both sides in relation to a Local Government Act to keep it simple, but there are circumstances which do not necessarily allow simplicity in the best interests of the end result. The possibility exists of inserting that third option, which will be satisfactory to the Local Government Association, for those who wish to support the first past the post which now exists, and also to make the provision of an alternative which will assist those councils that switch over to a non-ward position.

Certainly, I would suspect that those matters do not have to be canvassed here. They are quite likely to be canvassed elsewhere. But, again, as was said on an earlier occasion in relation to the time of meetings, it is a position which I think the local governing bodies ought to be able to determine for themselves. The option is theirs. They can take whichever is suitable to their needs. My colleagues and I will most certainly support the position laid down by our colleagues in conjunction with others in another place.

The Committee divided on the motion:

Ayes (22)—Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Crafter, Duncan, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally (teller), and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (19)—Mrs Adamson, Messrs. Allison, Ashenden, Baker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Gunn, Ingerson, Lewis, Mathwin, Meier, Olsen, Oswald, Rodda, Wilson, and Wotton.

Pairs—Ayes—Messrs Abbott and Peterson. Noes—Messrs Becker and Blacker.

Majority of 3 for the Ayes.

Motion thus carried.

*Amendment No. 36:*

**The Hon. G.F. Keneally:** I move:

That the Legislative Council's amendment No. 36 be agreed to.

Motion carried.

*Amendment No. 37:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 37 be disagreed to.

This is consequential upon amendment No. 35 and has already been the subject of debate.

Motion carried.

*Amendments Nos 38 to 40:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 38 to 40 be agreed to.

**The Hon. B.C. EASTICK:** I am pleased that the Minister has seen fit to accept these amendments. They are an improvement on the Bill and overcome any ambiguity in the area in question.

Motion carried.

*Amendments Nos 41 and 42:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendments Nos 41 and 42 be disagreed to.

Both these amendments are consequential on previous amendments: amendment No. 41 is consequential on amendment No. 35, and amendment No. 42 is consequential on amendment No. 1.

Motion carried.

*Amendment No. 43:*

**The Hon. G.F. KENEALLY:** I move:

That the Legislative Council's amendment No. 43 be agreed to.

**The Hon. B.C. EASTICK:** I would be delighted if the Minister would tell the House the reason for amendment No. 43. The Opposition is quite prepared to accept this refinement but would welcome knowing what precise benefit it will have and why the Government has been so pleased to accept it.

**The Hon. G.F. KENEALLY:** I would be quite happy to inform the member for Light. Having checked with my officers to make sure that they are as one with me, I am pleased to say that they agree with my interpretation. Some concern was expressed that there was not the head power within the Act to provide for regulations for council meetings. Certainly, the power exists, but to make sure that there is no confusion this amendment has been introduced to clarify that matter. It will remove any concern that exists in relation to head power.

**The Hon. B.C. EASTICK:** It is a commendable amendment in the sense that it makes sure that an unintended problem does not arise. I take the opportunity of saying that I suspect that when this measure is put into practice there will be a number of small amendments of this nature which will be quite far-reaching in their end result. The Opposition will have no difficulty at all in accepting and responding to any such amendments which may prove to be necessary. No matter how much effort one puts into a matter, contingency situations will arise which will not be directly provided for. The Opposition will not be wanting when it comes to supporting what is best for local government and ensuring that what we are offering is a workable and practical document. Sometimes things can be made to work but the means of bringing about the end result are not very practical, so we accept this amendment with some pleasure.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos 1 to 6, 8 to 19, 23 to 33, 35, 37, 41 and 42 was adopted:

Because the amendments conflict with the aim of the Bill to provide an effective working base for local government.

## ENVIRONMENT PROTECTION (SEA DUMPING) BILL

Returned from the Legislative Council with amendments.

## FISHERIES ACT AMENDMENT BILL, 1984

Returned from the Legislative Council without amendment.

## INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 2), 1984

Returned from the Legislative Council without amendment.

## PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

**The Hon. C.J. CRAFTER (Minister of Community Welfare):** 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 Prisoners (Interstate Transfer) Act is part of a uniform scheme which has been agreed upon by the Standing Committee of Attorneys-General. The Standing Committee has agreed on a uniform commencement date for the scheme of 1 July 1984. The Act refers to the Correctional Services Act, 1982, and incorporates reference to conditional release. As the Correctional Services Act has not been proclaimed and the system of imprisonment currently applying in this State provides for remission rather than conditional release, it is necessary to remove the inappropriate references to conditional release. Moreover, the basis on which remission is granted varies from State to State. This makes it necessary to establish a flexible system under which entitlements to remission of a prisoner who is transferred to this State can be determined for the purposes of South Australian law. In addition, provision has been made for a non-parole period to be fixed, extended or reduced by the appropriate South Australian court. Thus a prisoner transferred from interstate will, in this respect, be in the same position as a South Australian prisoner.

Clauses 1 and 2 are formal. Clause 3 substitutes a reference to the Minister for Correctional Services for a reference to the Chief Secretary. Clauses 4, 5 and 6 remove or replace inappropriate references. Clause 6 provides that the entitlements to remission of a prisoner who is transferred to South Australia shall be fixed in the order of transfer or by the appropriate South Australian court. In respect of imprisonment actually served in the State he will, of course, earn the same entitlements as a prisoner who was sentenced by a court of this State. New subsection (7) provides that a non-parole period in respect of a transferred prisoner may be fixed, extended or reduced by the appropriate South Australian court.

**The Hon. B.C. EASTICK** secured the adjournment of the debate.

## APPROPRIATION BILL (No. 1), 1984

Returned from the Legislative Council without amendment.

## SOUTH AUSTRALIA JUBILEE 150 BOARD ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## DENTISTS BILL

Adjourned debate on second reading.

(Continued from 8 May. Page. 4109).

**The Hon. JENNIFER ADAMSON (Coles):** The Opposition supports this Bill, and I am very pleased to see it in the House, having worked with the dental profession, when in office, with the aim of developing legislation along these lines. The Bill is very similar in its structure to the Medical Practitioners Act designed to regulate the medical profession, and the immense amount of work put into that, if you like to call it, model registration Act during the period of the Tonkin Government is bearing fruit in this Bill to provide for the registration of dentists and will be introduced by the Minister of Health for the registration of pharmacists. The pharmacy profession has been asking for some years to have its registration legislation updated.

It therefore can be said that, if it is not comparatively easy, at least the principal difficulties of developing legislation for one segment of the health profession is considerably easier when a model has been established for another sector. Probably one of the most apt comments on the regulation of professions which I could use in speaking to this Bill was made by Mr Justice Kirby in his address to the Tenth Australian Orthodontic Congress in Melbourne on 5 March 1984 when he spoke on orthodontists, dentistry and law reform for the Wilkinson Oration. Mr Justice Kirby said:

> There are many today, in the traditional professions, who question the perceived decline and fall in the status of and respect for the professional. This is also true in the legal and medical professions. I am sure it is true in dentistry and orthodontics.

He goes on to say:

> When the professional of today was young, the dentist worked with equipment which by modern standards would be seen as quite primitive. The standards of dental health, to say nothing of cosmetic dentistry, were poor in Australia when measured against the standards of our time. There have been radical improvements in the past three decades. In these circumstances, the dental practitioner, released from the thrall of pulling and filling, is surely entitled to more and not less respect.

Further on he states:

> It is inevitable . . . that as professions take the benefit of public expenditure so must they succumb to greater public involvement and even control.

Of course, we see evidence of that in this Bill in terms of public accountability. We also see evidence of it, evidence which was initiated by me as Minister of Health, in terms of consumer participation on registration boards and disciplinary tribunals. Mr Justice Kirby went on to quote from Professor Howe in the 1982 oration, and Professor Howe said:

> I am utterly convinced that dentistry must remain a university-based profession but venture to suggest to you that many of our every-day tasks could be done by others whose training and services are less expensive.

That comment, of course, is one of the reasons why there has been such intense debate in South Australia over recent years as to who shall perform what procedure in terms of dentistry and what level of training and expertise is necessary for the performance of such procedures. Mr Justice Kirby is an enthusiastic supporter of the para-dental professionals, notably dental hygienists, and he says:

> South Australia is the only Australian State which presently has a training school for dental hygienists as such. It produces approximately 10 dental hygienists in each 18-month period. In the other States, and nationally, there has been, to put in mildly, a significant and powerful body of resistance on the part of the organised dental profession. The question I raise is whether that resistance is based upon a true evaluation of the public's interest in dental hygiene or upon introspective and selfish perceptions of the self-interest of dental professionals.

I am happy to say that those remarks quite clearly cannot apply to the profession in South Australia, because the

profession here warmly welcomed the introduction of dental hygienists. I know of very few dentists, if any, who would not regard them as an absolutely essential component of the services offered to the public. Mr Justice Kirby endorsed what I am saying by stating:

> Indeed, as if in justification of restricting the activities of dental hygienists in Australia, it was pointed out to me that South Australia has the worst dental manpower situation in any State in Australia and at the present time some 16 of last year's 40 graduating dentists are unemployed'. The advances in dental techniques and community dental hygiene, notably with the introduction of fluoride, have reduced the demand for some professional dental services.

That statement says many things about the situation in South Australia. It speaks volumes for the professional integrity and true professional approach of the dental profession. It also indicates the tensions that must be inherent in a profession where there is not enough work to go around for the number of people who are qualified to do that work, and it also indicates that there have been notable advances in dental health in recent years.

A summary of those advances is to be found in the introduction to the Report of the Committee of Inquiry into Dental Services in South Australia which was established under the Tonkin Government and chaired (I may say very impressibely chaired) by Mr David Martin. Other members of the committee were the late Dr A.J. Bloomfield, a very highly respected South Australian dentist, and Mrs Marion Disney, who was appointed to give a community input to that committee.

That committee concluded that dental services in South Australia have changed markedly since the publication of the Bright Report in 1973 following the Committee of Inquiry into Health Services. The most significant features are the large increase in the number of dentists and the growth in Government funded dental services for primary school children and Aborigines. Furthermore, the fluoridation of Adelaide's water supply in 1971 has meant that about 70 per cent of South Australians now have access to this proven public health measure. When the committee wrote its report it referred to the major barriers to dental care for pensioners. I will deal with the ways in which those barriers are now in the process of being overcome.

The introduction of fluoridation in South Australia was achieved as a result of a dedicated and active campaign by the dental profession spearheaded by the Australian Dental Association, South Australian branch. When this occurred in the late 1960s, I was not involved in politics, but I was the mother of young children and I vividly remember the consistent advocacy of Dr Elizabeth Fanning, who was a lecturer in dentistry at the University of Adelaide, and Dr John Marriott, who was then, as I recall the President of the Australian Dental Association. Those two doctors were well supported by Dr Ken Brown, the well known South Australian forensic odontologist—

**The Hon. Michael Wilson:** World famous.

**The Hon. JENNIFER ADAMSON:** Yes, Dr Ken Brown is certainly world famous. Eventually the advocacy of those people and the sustained enthusiasm with which they pursued their course carried the day, and fluoridation was introduced. It is not often that we see professionalism carried to the lengths that the professionalism of dentists, in the true sense of the word of serving interests of their patients and the community was carried in South Australia with a series of initiatives enthusiastically sought by dentists in the interest of their patients, which have resulted in much improved dental health and which have had the consequence of a reduced demand for dental services. That this has happened at the same time as an increase in the number of young graduates has imposed considerable strains on the profession. That is a matter for great regret, and it is likely to continue. The Martin Report made comment on the manpower situation in South Australia, as follows:

> The large increase in the number of dental graduates throughout the 1970s has resulted in a work force in which over 60 per cent of dentists practising in South Australia are under the age of 40 years. Assuming a retirement age of 65 years from now until the end of the century few dentists will be lost to the work force.

I would be inclined to say that that is a wrong assumption, because I think many people will seek earlier retirement, and professionals will be among them. Of course, those senior members of the profession grew up professionally at a time when there was access to a wide range of patients. The current young crop of graduates is finding it difficult to have access to what the medical profession calls 'clinical material', that which we would like to think of as being people and patients. That of course will have implications for the future practice of dentistry. At any rate, the introduction of this Bill regulates the profession in a way that has been sought and welcomed by the profession.

In fact, with only one really contentious issue in this Bill, as far as the profession is concerned, one could say that the legislation is supported with the greatest of confidence. Having looked back to the 1970s and at the comparatively recent history of dental practice in South Australia, I think it is also important to return to the immediate past and the situation that was inherited by the Government of which I was a member. At that time the greatest challenge to us was the need to provide pensioners with dentures. A scandalous situation had been allowed to develop whereby pensioners in South Australia had had to wait literally for years for either new dentures or for a first set of dentures. It is hard for anyone who has not endured this wait or been close to someone who has done so to understand the effect of the deprivation in that area on the lifestyles of older people. Everyone knows that not only is it socially very unpleasant to be speaking with someone who has no dentures or ill fitting dentures but that the embarrassment that this causes leads to social isolation, which certainly had an effect on the general health and the mental health of elderly people in this State.

It was one of the Tonkin Government's greatest aims in dental services to find a way of providing dentures for this huge backlog of people requiring them. That way was found through the co-operation of the South Australian Dental Association, which put forward a proposal to the Government whereby private practitioners, instead of the Dental Hospital at the Royal Adelaide Hospital, would provide dentures at a reduced fee, thus enabling the pensioners to go to the dentist of his or her choice. In paying tribute to the Australian Dental Association, I would also like to pay a tribute to the senior officers of the South Australian Health Commission Dental Service for the manner in which that challenge was met. Dr Hugh Kennare, Dr David Blaikie and Dr Ian Stead were in their respective fields instrumental in helping the Government realise its policy as effectively and as efficiently as possible. Funds which were difficult to come by in those days (and which indeed still are), were found by reason of the extreme efficiency in regard to the way the School Dental Service was being run and due to the decrease in demands on that service. I cannot speak highly enough of the dedication and enthusiasm of those officers involved in the work that they did which has had such a beneficial effect on pensioners in South Australia.

Another considerable achievement of the Tonkin Government was the establishment of the South Australian Dental Service Incorporated under the South Australian Health Commission which co-ordinated for the first time what was previously a completely fragmented and uncoordinated set of services in public dentistry in South Australia. All these initiatives were assisted by the Martin Report

with its very careful and thoughtful evaluation of the situation and its recommendations for progress and change. The Bill is a long and complex one, with 86 clauses. It deals with the administration of registration through the Dental Board of South Australia; it establishes a dentists professional conduct tribunal; it establishes a registration committee for dental technicians, which, of course, will realise a long held dream of the dental technicians which has been resisted by dentists but which, I believe, is now acceptable to them. It is ironical perhaps that the dental technicians who pushed very hard for registration are, in the main, approaching the end of their careers.

I am not suggesting that they are at the end of their careers, but in the main they are an older group, and that fact, combined with the fact that dentures are now becoming a rarity, suggests to me that possibly in a decade or two there might be further amendments to this legislation to adjust a situation which has become outdated. We can only welcome the fact that dentures are becoming a rarity at the same time as we recognise that gum disease is the principal problem with which dentists and their patients now have to concern themselves.

The Bill establishes restrictions relating to the practice of dentistry by unregistered persons, and it also makes provision for the registration of specialist dentists. I would like to deal in some detail with the specialties in dentistry, because they tell us a lot about not only the profession as it is constituted today, but also about the existing and emerging needs of patients in terms of dental care.

The bestowal of the term 'specialist' upon a practitioner is meant to be a recognition of additional training, experience and expertise gained over a period of time. A practitioner should have a broad basic training to ensure an overall understanding of the discipline of dentistry which after all is a specialty in itself, and then, following further training, present himself or herself to the profession for recognition as a specialist. The prerequisites by way of training, experience and examination should be carefully set up under regulation, and that I am sure will be done.

One of the clauses of this Bill provides that a specialist can be on the register only under one specialty. For at least one group of dentists, this requirement will pose something of a problem for the registration board, and that is the area of prosthodontics. That is a specialty which I know has caused some concern to the profession, and it involves the construction, supply and fitting of artificial appliances, such as dentures, crowns or bridges. It is, I might say in relation to the latter two appliances (crowns and bridges), an extraordinarily costly procedure for the patient, and no doubt indeed for the dentist. It is virtually impossible to adequately crown a single tooth without being in a position to place a sound amalgam or composite resin restoration first as a foundation, and the foundation of the tooth must be sound to start with, and that in turn requires an adequate understanding of periodontics, that is, the treatment of the gum.

So, there is a situation where general dental skills and specialist skills are involved and, having required access to those skills, I can see as a patient how difficult it would be for anyone to separate general dentistry from that particular specialist branch of dentistry when it comes to registration. That in itself would not matter much except in so far as it affects the patient in terms of the Commonwealth benefits which apply.

It is important to recognise that, in attempting to establish demarcation boundaries in dentistry, there would be no point whatsoever in doing that unless it is in the interests of the patient to do so. There is no value in framing a law that keeps things nice and cosy for professionals and establishes boundaries beyond which they must not go. The only goal of any regulation of this kind should be the benefit to the patient, and that should be borne in mind by everyone who is in any way involved with this whole question, not only the registration board, but the profession itself.

There will of course always be a need for high quality specialists, but I am told that the need is reducing rather than increasing. In periodontics, for example, modern knowledge suggests that a high percentage of periodontal problems can be solved by repeated scaling and cleaning and much of this, as Mr Justice Kirby said, can be carried out by well trained hygienists, providing they are trained in depth and supervised by a fully trained dentist.

So, that is one area where public health measures, health promotion measures, the repeated efforts, I might say, of the producers of toothpaste, and the repeated efforts of the profession itself, in terms of its voluntary involvement in public education about dental hygiene, where dentists are in effect doing themselves out of a job. The practice of endodontics, that is, root canal treatment, is much the same, and improved teaching and materials put most endodontic problems within the reach of the average dentist. All of these developments mean that continuing education for dentists is absolutely essential—

**The Hon. Michael Wilson:** Essential for all professions.

**The Hon. JENNIFER ADAMSON:** Indeed, it is essential for all professions, as the member for Torrens rightly says. That factor has been recognised by the Australian Dental Association and the University of Adelaide has been sufficiently far sighted to create a position of Director of Continuing Education in Dentistry, designed entirely to assist the profession keep pace with new knowledge and changing professional practices.

The courses of study under this continuing education arrangement have nothing to do with specialisation. They will not be recognised by the university as an entry to any other course. They are designed simply as a structured course of further study in all the separate disciplines for the practising dentist, who will have to pay to participate in them. That fact should be mentioned because it is yet another indication of the professionalism of dentists in South Australia and their determination to maintain, improve and upgrade standards and to put the patient first.

The disciplinary tribunal established under the Bill is extremely important, both for the safeguarding of professional standards and for the public confidence which the general community must be able to have in the profession. In his oration, Mr Justice Kirby makes reference to the increasing trends of consumerism, as he calls it or as it is known, and its effect on the health professions. That is why I am pleased that the Government has continued the initiative of the Tonkin Government and appointed or made provision for the appointment of someone representing consumer interests to the disciplinary tribunal.

It should be borne in mind that the Australian Dental Association itself has had what it calls a conduct committee. I suppose that one could call this a sifting body to do in-house informal examinations of any difficulties that arise: again, a very responsible measure and one which I presume is reflected in the other professions, such as pharmacy.

**The Hon. Michael Wilson:** Indeed.

**The Hon. JENNIFER ADAMSON:** Indeed; I have that confirmed by the member for Torrens. So, all in all, when one looks at the whole dental scene, although there are grounds for criticism, although the administration of it is extraordinarily difficult at a Government level because of the tensions which are created for the reasons I have outlined, although the leadership of the profession is no doubt equally difficult for the same reasons, one has to acknowledge that the profession in South Australia has every right to hold up its head and be proud of its achievements.

There is one clause in this Bill which is causing the profession some concern, and that is clause 85, which states:

(1) Subject to subsection (2), the South Australian Dental Service Incorporated may, in the provision of dental treatment to children, employ persons who have qualifications and experience prescribed by the Minister.

(2) The South Australian Dental Service Incorporated, if it provides dental treatment to a person who is over the age of twelve years, shall provide that treatment only through the instrumentality of a registered person.

That clause was inserted in this Bill by amendment in another place in response to the very strong wishes, the unanimous wishes, of the dental profession in South Australia, who regard it as having enormous significance for the practice of dentistry in this State.

As the clause stands it is unacceptable. The profession does not want the Minister given the power to decide who may be employed to treat school children and what qualifications, if any, they should have. The dentists feel that any person with or without adequate training may be deemed by the Minister capable of providing dental treatment to children. The dentists have a right to have their view put to the House and a right to have it carefully considered by its members. The strength of feeling is evident in the material that has been given to the Opposition and in the documentation that has been provided. The Australian Dental Association makes the point that it has no vested interests in this matter because dentists in private practice under the present Government apparently stand to receive no subcontracting, if you like, of services to high school children from the Government. That is to be undertaken entirely by the public sector.

The ADA considers that the utilisation of private practice facilities for the treatment of secondary school children would be far more advantageous. The Opposition generally supports that view. We embodied that view in the health policy presented before the 1982 State election. Be that as it may, the Minister has decided to use the school dental service to treat secondary school children. At this point I would like to pay a tribute to the School Dental Service and to the dental therapists who work within it. I have had the privilege of watching those young women in operation, both in schools and in their own clinic. I was enormously impressed, not only with the clinical competence of the dental therapists but, more particularly, with the way in which the children responded to them. It was fascinating to see the immediate relaxation of a child put into a dentist's chair caused by complete trust in the person who was about to treat him or her.

Speaking to those therapists and watching them at work certainly inspired confidence. I know that that confidence is shared by the parents who hold the School Dental Service in very high regard. It is important to have this contribution placed on the record because the School Dental Service has at various times been under what I believe to be quite unwarranted attack by certain sections—and I stress certain sections—of the dental profession. The School Dental Service has been subjected to closer Parliamentary scrutiny by questions on notice, questions without notice and Select Committees than any other sector of health, or any other Government service in South Australia. The Public Accounts Committee examined the service. The amount of time and taxpayers' money that has been spent in scrutinising this service is almost incredible and difficult to understand unless one has an appreciation of the tensions, the reasons which I outlined and which led to this deep suspicion on the part of some dentists about the public treatment and provision of public services for school children.

Having said that, I feel that I should outline why the dentists and the Australian Dental Association do not support the treatment of secondary school children by dental therapists, even though it does support the treatment of primary school children by dental therapists. I quote from the ADA's submission:

The School Dental Service policy requires that for the treatment a child be examined by a dentist every two years. Between these times a dental therapist examines, plans and carries out all but the most complex treatment. Children change rapidly during adolescence, a period of critical importance for the future dental health of the child. Decisions made at this time are of vital importance and mistakes are often irreversable. Treatment cannot be left in the hands of a person who has extremely limited or no experience of the requirements of this age group.

The suggestion is that dental therapists, having dealt exclusively with primary school children, will not have had this experience. The submission continues:

Specialist orthodontists are absolutely adamant that the training received by a therapist in her two year course is insufficient to equip her (and I presume there might be some young men also) adequately to recognise some of the anticipated problems in growth and development which occur during the secondary school years. Specialist periodontists also make the point that many of the diseases of the gums which are responsible for the loss of the majority of teeth in adults can start in the age group 12-16 years. Dental therapists are not trained to diagnose and treat diseases of this kind.

Another valid point made by the ADA states:

The age group 13-16 years sees more frequent cases of extreme dental neglect, especially in refugees. Sporting injuries account for further lost and traumatised teeth. The person treating such patients must be capable not only of carrying out the appropriate treatment but of integrating this in the long term needs of the patient.

They claim, of course, that only a dentist has the skills to do that. So, in summary, the dentists oppose the provisions of clause 85. They insist that dental treatment for children over the age of 12 years be provided through the instrumentality of a registered person.

The Government does not agree with that, and the Government has the numbers. On the other hand, I believe that the dentists have a very good registration Bill and I hope that the difficulties between the Government and the dentists over this matter can be resolved. The argument can well be put that such matters are not for the law but for administration of general Government policy. I think that is a quite sustainable argument, as a former Minister who has had to administer the Dental Health Service. Nevertheless, we are talking about a Dentists Act and the dentists' point of view must be taken into account. It is only right that we as legislators do so.

I certainly commend all those who have been involved in the development of this legislation. I particularly commend the Australian Dental Association for its reasoned and reasonable approaches to the Tonkin Government and, I am sure, to this Government, and for its sustained work in the interests of dental health in South Australia. I also warmly commend the dental health professionals in the public sector who have had to endure what I would describe as an extremely difficult period in their lives, one which they have undergone with dignity and resolve, I believe, in their efforts to ensure that the best interests of dental health are well served. I commend the Bill, which I support, to the House.

**Mr BAKER (Mitcham):** I will be very brief. I think that it is appropriate now to canvass one particular issue related to the Dentists Act, which, as my colleague the member for Coles and my colleagues in the Upper House have pointed out, is a relatively sound and forward looking Act. It has a number of changes which we on this side applaud. I am sure that if we had been in Government we would have been doing much the same thing. The reason for my rising on this occasion is in connection with the Barmes Report, which has been vigorously defended by the Minister of Health in the Upper House. During this debate a question

was raised about the veracity of that report and the Minister of Health, in his normal manner, said that it is the best report that has ever been produced.

The Minister of Health is always wont to say that he is the best Minister of Health the State has ever seen. He is also wont to say that the reports produced under his umbrella are the best reports ever. I had the opportunity to scan the report and found a vast number of anomalies. I raise this question because the anomalies in that report could be perpetuated through this new Act. The Barmes Report was, in fact, a very short-sighted, inaccurate and ill-conceived document. We imported this person who, according to the Minister of Health, was a world wide expert. To quote the Minister of Health, he asked everyone who knew anything about dentistry, 'Who was the best person to report on the state of the School Dental Service in South Australia?' and everyone said, 'David Barmes'.

The only conclusion I can draw from reading the report is that he must have talked to himself (and we are all aware that the Minister is wont to do that, too). The reason that the Barmes Report caused me a great deal of concern was not the fact that it was incorrect or had not been properly researched, but that it pointed the Government in a particular direction on ill-conceived research data. The report suggested that, due to the success of the School Dental Service, it should be extended into the secondary area, into the work place, on to industrial sites and into all areas. I can only conclude that not only were the findings based on a very limited perspective but also that the person who undertook that report had a certain outlook on life. To be quite frank, I believe that he has two left feet and two left arms.

He said that, on the basis of evidence produced in relation to the School Dental Service, certain matters were applicable across the board. However, evidence produced showed that the School Dental Service was running into difficulties once children passed the age of 11 years. The data showed that people who had been treated within the School Dental Service had more dental decay than those who had been treated by private practitioners.

It is not my intention tonight to debate whether or not the figures produced were correct. As I have said before, the sample size used was too small to draw any conclusions. Therefore, the conclusions that Mr Barmes drew cannot be considered as a true indication of the state of dental health across the group of people he surveyed. What surprised me was that, on the basis of the evidence available, he must have drawn only one conclusion: once children enter adolescence the School Dental Service perhaps needs some modification. The further difficulty of expanding that service beyond primary school was not even discussed.

He did not consider at all the maturity of teeth, the fact that the teenage years are years of extreme risk, or that dental techniques applied during the formative years (as I call them) can impact very seriously in adult life. I wish to record my dissatisfaction with that report and to condemn strongly the Minister of Health, first, for accepting the report and, secondly, for paying for it. It was flawed in many details. Its conclusions were inconsistent with the data collected in the upper range of the children surveyed and it provided no basic research material which could substantiate the treatment of young adolescents and adult members of the work force. There is no doubt that if the Minister took the recommendations of the Barmes Report he would be subjecting this State to a new set of circumstances that had not been researched properly.

It is of intense distaste to me that the Minister not only denigrated the Australian Dental Association in the debate but also denigrated everyone who expressed any reservations about the Bill. Again, this is the problem that the Minister faces. His behaviour is quite extraordinary. His use of reports that are flawed must reflect on his ability to make true determinations on the facilities for which he is responsible. I am using this opportunity to place on record my dissatisfaction with the Minister in this regard. It is quite obvious from the debate in the Upper House that he placed a great deal of store on the report that was produced. I believe that the situation of secondary students and young adults has to be reviewed far more seriously than Mr Barmes reviewed it.

I believe that the matters pointed out by members on this side of the House, particularly the member for Coles, concerning the problems of adolescent teeth require far more research before we commit State resources to the programmes which have been so successful in primary schools. I support the Bill before us. I know that it has the support of the dental profession as a document. There are certain items that will be debated during Committee, but I warn the Minister's representative in this House that if he uses the report on which the Minister of Health wasted taxpayers' funds he will again bear the wrath of this side of the House and the general public.

**Mr GUNN (Eyre):** I do not wish to delay the House at this rather late hour, but I do not want the opportunity to pass without saying one or two things about the School Dental Service. I commend the honourable member for Coles for the detailed analysis she made of this lengthy Bill.

**The Hon. Michael Wilson:** An excellent speech.

**Mr GUNN:** It was an excellent speech; it was up to her usual high standard. The member for Coles certainly put a great deal of work and effort into her speech. She has had a busy few days in the House. The member for Mitcham clearly expressed the sentiments that I have in relation to the Barmes Report. I have been concerned for a considerable time about the School Dental Service. I do not want it to be thought that I am against giving primary school children in this State adequate dental care, but I am concerned about the total community in the small centres in my electorate where unfortunately there is not enough dental work to maintain a full-time resident dentist unless that dentist has access to school children.

We had the unfortunate example some years ago in Streaky Bay where the district council spent some $70 000 and virtually within a few months the School Dental Service provided two dentists and caused the local dentist to leave because it was not viable for him to stay. I believe that the time has come, wherever possible, for the dental problems of school students to be treated by the local resident dentist. Having learnt a lot in the last few years and during the period when we were last in Government, I intend, to the best of my ability, to make sure in the future, if the programme does not continue, that under the next Liberal Government private practitioners are used wherever possible to treat school students on a fee for service basis. I believe they do equally as good a job. I am not criticising those people on the Government pay-roll, but my concern is that the country towns in my electorate receive adequate cover.

Having lived in an isolated area all my life, and an area where there have been no dentists, I understand the problems. My earlier dental treatment involved a doctor. I lived in the Streaky Bay council area, and at a young age I was concerned with the welfare of the people. It appalled and disgusted me when that small community spent $70 000 in order to help build a decent clinic there. I have been waiting a long time to get a chance to air this matter in the Parliament. I want to make it very clear that on every possible occasion in this House I intend to pursue the course of action that I believe is necessary in this matter, and I look forward to the next Liberal Government's coming to office.

I will not make the mistakes I made last time! I learnt a few things then, and I will even the score.

I believe that in places like Coober Pedy it is absolutely essential to have a full-time dentist who must have access to a school. I believe it is essential that those schoolchildren receive adequate cover. I know the problems relating to lack of proper dental care for a young person. I have seen it first hand in places like Woomera. I know there have been problems, and I have very thick files on the subject. I am fully aware of some of the problems that can arise, but I have been told by the principals of some of those schools that the service has worked well. I have mentioned Coober Pedy and I could mention other areas; it is hard enough to get a dentist to go there, but once you get him there he ought to be able to do all the work.

It must be cheaper for the Government, without duplicating expensive facilities, to have that local dentist do all the work. I was interested in the answer to Question on Notice No. 471 appearing in my name, because I have had repeated requests from people in the dental profession saying, 'Why can't we provide the service to those pensioners and other eligible people who can get free dentures and treatment in Adelaide? Why can't we provide those facilities in our own towns?' I believe this is something which ought to be looked at. The Government has gone some of the way, and I am pleased about that, but I want to see the local dentist involved, providing a cheaper and more efficient service and involving people in less travelling. I am having trouble on behalf of my constituents, who try to avail themselves of the isolated patients assistance scheme, in relation to the red tape and humbug that certain public servants are putting in their way. The people concerned say they were refused assistance because they have not gone to the right centre. We do not want that: all we want is a little common sense.

This is a most detailed measure. It is obvious that there has to be proper oversight of the dental profession in this State. I believe that basically we have been very well served by the profession: it has done a very good job. If it is necessary to have legislation, the legislation should keep abreast of recent happenings. Therefore, I support the measure, and I commend the member for Coles for her contribution. I hope those people involved in the administration of the School Dental Service will bear in mind what I have had to say. I do not want to be in personal conflict with them to make life difficult for them: all I want to see is that those schoolchildren in the isolated communities have access to good dental treatment and that the rest of the community has access to a resident dental practitioner.

I do not think they are unreasonable requests to make, but I believe the best way to provide that service to the schools and the rest of the community is by using the facilities and skills of the local private practitioner, because I am yet to be convinced that publicly funded dentists can compete and provide as good a service as can a local person who is part of the community and who knows and understands the area. He has the facilities, the provision of which in many cases has been assisted by the district council.

I look forward to this measure being implemented and I shall be watching the matter closely, because the School Dental Service is something that is close to my heart. I have known a number of the school dentists over the years, having known them before I came into this place, and I have always been interested in the work they do, because one of my main concerns as a memberber of Parliament is trying to get adequate facilities for people in isolated communities. As someone who has lived in an isolated community, I fully understand the problem. I support the Bill and I hope that the Minister and his representative will bear in mind what I have had to say. I hope I do not have to raise these matters again in Parliament, because it becomes somewhat tedious, but I intend to pursue my concerns at great length if I believe that the right thing is not being done. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 39 passed.

Clause 40—'Registration on the specialist register.'

**The Hon. JENNIFER ADAMSON:** I would like the Minister to assure me that my understanding of this clause as it relates to a later clause, clause 56, is correct and deals with the matter of specialist dentists and the area in which they may practise. In the second reading debate I referred to the difficulty of totally isolating an area of specialist dentistry from general dentistry, because very often dentists have to do general work on a patient's mouth preparatory to the specialist's work. Clause 40(4) provides that:

> The Board may, subject to such conditions as it thinks fit, authorise a specialist to provide dental treatment in all branches of dentistry or in specified branches of dentistry other than those in which he is registered as a specialist and may vary or revoke an authorisation, or a condition to which it is subject, at any time.

That seems to be fairly clear, although clause 56 provides that:

> A person shall not be registered on both the general and the specialist registers at the same time.

In referring to the two clauses, am I correct in my understanding that dentists can legally practise in both the general area and a specialist area while registered only on one register? If that is correct, what is the patient's position when applying for dental health benefits for treatment carried out in both the general and the specialist areas?

**The Hon. G.F. KENEALLY:** In regard to health benefits for work carried out in such circumstances, I am advised that all the work would be regarded as specialist work, and so the patient would be covered. The honourable member sought an assurance that her understanding of clauses 40 and 56 is correct: I am advised that the honourable member's understanding is correct. Perhaps when we are considering clause 56, I will make an additional comment about specialist prosthodontists.

Clause passed.

Clauses 41 to 55 passed.

Clause 56—'Person may not be registered on general and specialist registers at the same time.'

**The Hon. JENNIFER ADAMSON:** What is the Minister's assessment of this clause as it relates to my earlier question on clause 40?

**The Hon. G.F. KENEALLY:** The provisions of this clause would not prevent a specialist prosthodontist from carrying out the preparatory work on teeth as part of the foundation for a fixed prosthesis, such as a crown or bridge, because that is an integral part of the specialist's work.

Clause passed.

Clauses 57 to 84 passed.

Clause 85—'Employment of persons by the South Australian Dental Service Incorporated.'

**The Hon. G.F. KENEALLY:** I move:

Page 30—

Line 1—leave out 'subject to subsection (2), the' and insert 'The'.

Lines 4 to 7—Leave out subsection (2).

This amendment seeks to delete from the Bill a provision included in the other place (I understand, by the Hon. Mr Lance Milne). The Government is seeking to amend this clause because the South Australian Dental Service provides a service to children, which was heralded by Dr Barmes and others as being second to none. That has been acknowledged by speakers in the debate to which I am not allowed to refer. In respect to a service delivered by a mix of dentists and dental therapists, that balance would be upset if the

provisions of clause 85(2) were implemented, which restricts the South Australian Dental Service in regard to dentists treating children over the age of 12 years. It would also incur increased costs in the vicinity of $260 000 per annum just to treat the children over 12 years of age presently being treated by the South Australian Dental Service, and at least an extra $1.5 million per annum to treat children 12 to 16 years of age generally. In addition, the Government considers that if possible these matters of clinical practice should not be controlled by legislation. The Government therefore asks the Committee to support the amendment.

**The Hon. JENNIFER ADAMSON:** The Opposition opposes the amendment for the reasons that I outlined during the second reading debate. Because of the lateness of the hour, I do not propose to go over all that ground again. I simply reiterate that, when a profession has a united voice on a matter such as this, I believe it is entitled to have that voice considered sympathetically by the Government. The Minister's assessment of the costs that would be consequent upon the passage of clause 85(2) is a matter about which I cannot argue, because I presume that the information provided to him has a very sound basis. But I wonder if in the calculation of those costs the fact that there are already supervising dentists in the South Australian Dental Service was taken into account. The Australian Dental Association makes the point that quite often a fully trained person can have a higher throughput—in other words be more economical in the use of professional time—than persons with a lesser degree of training.

It is also worth noting that in the United Kingdom and in New Zealand qualified dentists are the only professionals in the public sector who treat children of secondary school age. Further, I understand that the Northern Territory, with all its massive health disadvantages, in terms of teeth of Aboriginal schoolchildren, its small population and its small tax base—notwithstanding the whacking great funds that it gets from the Commonwealth—has opted for the treatment of secondary schoolchildren to be undertaken by qualified dentists. If the Northern Territory can do it, one might ask why South Australia cannot. Obviously, we will not achieve anything by further arguing the point: the arguments have been put, and I believe they have some merit. I believe that the Government should respond positively to the arguments. I stress again that the Australian Dental Association, the professional body, is strongly of the view that, for a variety of sound clinical reasons, dental services to children in secondary schools should be provided only by professional registered dentists.

*[Midnight]*

**The Hon. G.F. KENEALLY:** The Government has taken on board the view of the Dental Association and also it is cognisant of the views expressed by the honourable member. However, the Government on balance believes that the continuation of the service from which we have benefited in the past should continue, and that the school dental therapists should be able to treat all children at secondary schools. The Government is insistent that clause 85 (2), included by the Upper House, should be defeated by the use of the amendment that I have tabled.

**Mr BAKER:** What plans are in train for the treatment of secondary schoolchildren?

**The Hon. G.F. KENEALLY:** The Government plans to treat year 8 children in 1985 and year 9 students in 1986. That is as far as our planning has progressed. It is part of a programme to treat all schoolchildren of 16 years by the year 1988.

**Mr BAKER:** Is it intended that the same mix of therapists, hygienists and practitioners be used in the secondary school area as has been the practice in the primary school area? No actual research has been undertaken. The training of the therapists and hygienists used within the system today has been confined to primary schoolchildren.

**The Hon. G.F. KENEALLY:** Yes, it will be the same mix, along with the skills and competence of the service that have proven so successful, and the honourable member's colleagues have expressed their support for it. That system will apply to the extended secondary school services.

**Mr BAKER:** What is being done to upgrade the skills of non-qualified people in terms of professional qualification, namely, the hygienists and therapists, to be able to treat and recognise particular aspects of dental health which apply to the teen-age component, given that there is a distinct difference recognised by all people involved in the dentistry area between the teeth of primary schoolchildren and those of secondary schoolchildren.

**The Hon. G.F KENEALLY:** We have dental therapists but do not have dental hygienists, so the question will be concentrated on dental therapists. They will provide the same range of services to secondary schoolchildren as those which apply to primary schoolchildren. The matter of upgrading or improving their skills is not relevant if they are to provide the same range of services.

**Mr Baker:** They are different teeth.

**The Hon. G.F. KENEALLY:** I acknowledge the honourable member's undoubted skills in this area. I do not possess those skills and he may be correct. The professional advice available to me is that they will be providing the same range of clinical services and that the skills and qualifications they have in relation to primary schoolchildren are relevant to the work with secondary schoolchildren. I understand that the teeth do not differ but I will not become involved in a technical debate about teeth: I rely on the professional advice available to me.

Amendment carried; clause as amended passed.

Clause 86 and title passed.

**The Hon. G.F. KENEALLY (Minister of Tourism):** I move:

*That this Bill be now read a third time.*

**The Hon. JENNIFER ADAMSON (Coles):** The Bill as it comes out of Committee is in the opinion of the Opposition deficient for the Government amendments to clause 85. This point must be made and made strongly because of the strength of feeling of the dental profession about this aspect of the Bill. The matter will have to be resolved elsewhere obviously, but I stress again, on behalf of the dental profession, that the dental health of secondary schoolchildren is very much in the balance, depending upon the fate of this Bill. I hope that that fact will be borne in mind by the Government when it embarks on the next step to resolve what is obviously a deadlock situation between the House of Assembly and the other place.

Aside from that deficiency, I believe that the legislation is excellent, and richly deserved by a profession that has done so much to raise its standards, to maintain those high standards and always to put the interests of the public first. Therefore, I hope that the profession enjoys the administration of this Bill, as it deserves to do.

Bill read a third time and passed.

## HIGHWAYS ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

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

The Legislative Council intimated that it insisted on its amendments Nos 1 to 6, 8 to 19, 23 to 33, 35, 37, 41, and 42. to which the House of Assembly had disagreed.

Consideration in Committee.

**The Hon. G.F. KENEALLY:** I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments Nos 1 to 6, 8 to 19, 23 to 33, 35, 37, 41, and 42.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs Allison, Eastick and Keneally, Ms Lenehan and Mr Mayes.

*[Sitting suspended from 12.20 to 1.17 a.m.]*

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 9 a.m. on Thursday 10 May.

**The Hon. G.F. KENEALLY (Minister of Tourism):** I move:

That Standing Orders be so far suspended as to enable the conference with the Legislative Council to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

## DENTISTS BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendment and had made the following consequential amendment:

Page 30, lines 2 and 3 (clause 85)—Leave out all words in these lines after the word 'may' and insert 'provide dental treatment to children through the instrumentality of dental therapists if—

(i) the provision of the dental treatment is under the control of a dentist; and

(ii) the child has, before the commencement of his first course of treatment by a dental therapist after he attains the age of thirteen years, been examined by a dentist employed by the South Australian Dental Service.

(2) In this section—

"dental therapist" means a person who has qualifications and experience determined by the Minister.'

Consideration in Committee.

**The Hon. G.F. KENEALLY:** I move:

That the consequential amendment of the Legislative Council be agreed to.

Motion carried.

## ADJOURNMENT

At 1.25 a.m. the House adjourned until Thursday 10 May at 2 p.m.