HOUSE OF ASSEMBLY

Tuesday 14 April 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Dangerous Substances Act Amendment,
Electrical Workers and Contractors Licensing Act Amendment,
Enfield General Cemetery Act Amendment,
Fisheries (Gulf St Vincent Prawn Fishery Rationalisation),
Industrial and Commercial Training Act Amendment,
Motor Vehicles Act Amendment (1987),
South Australian Metropolitan Fire Service Act Amendment,
State Emergency Service,
Statutes Amendment (Finance and Audit),
Trade Measurements Act Amendment,
Unclaimed Goods.

POTATO INDUSTRY TRUST FUND COMMITTEE BILL

The Hon. M.K. MAYES (Minister of Agriculture): I have to report that the managers for the two Houses conferred together at the conference but that no agreement was reached.

FAIR TRADING BILL

At 2.4 p.m. the following recommendations of the conference were reported to the House:

As to Amendment No. 1:

That the Legislative Council do not further insist on its disagreement thereto.

As to Amendments Nos 2 and 3:

That the House of Assembly do not further insist on its amendments and make the following additional amendments to the Bill:

Clause 31, page 15, lines 28 and 29—Leave out subclause (4).

Clause 32, page 15, after line 39—Insert 'and'.

Clause 32, page 15, lines 42 to 44—leave out all words in these lines.

Clause 43, page 20, line 18—Leave out '11.00' and insert '10.00'.

and that the Legislative Council agree thereto.

As to Amendments Nos 4 to 46:

That the Legislative Council do not further insist on its disagreement thereto.

Consideration in Committee of the recommendations of the conference.

The Hon. G.J. CRAFTER: I move:

That the recommendations of the conference be agreed to.

I take this opportunity to thank the members who participated in the conference for the amicable manner in which agreement was able to be reached on this matter.

Ms GAYLER: I express my reservation about one of the provisions agreed to, namely, that debt collectors may call on people at their homes up until 10 p.m. At the conference I expressed my reservations, particularly in relation to elderly people, women living alone, and parents with young children, because I think it is unreasonable that people be disturbed in their homes at that late hour of the night.

Mr S.J. BAKER: I am pleased to report that the conference resolved the matters in dispute very amicably. We reached a compromise as to the time when creditors could pursue their debts and, whilst this House maintained that 9 p.m. was appropriate and members from the other place maintained a time of 11 p.m., we reached a compromise of 10 p.m.

In relation to the issue of the extent to which people can use legal practitioners to delay the process of debt collection, both Houses agreed that a creditor had the right to approach a debtor in certain circumstances, provided of course there were overriding clauses to deal with undue harassment. I am pleased to report that we resolved all matters very amicably.

Motion carried.

PETITION: ELECTRONIC GAMING DEVICES

A petition signed by 39 residents of South Australia praying that the House reject any measures to legalise the use of electronic gaming devices was presented by the Hon. Frank Blevins.

Petition received.

PETITIONS: TUNGKILLO-CHERRY GARDENS ELECTRICITY TRANSMISSION

Petitions signed by 2 328 petitioners praying that the House urge the Government to reject the Electricity Trust of South Australia's preferred direct route option for the Tungkillo to Cherry Gardens 275 kV transmission project were presented by the Hons E.R. Goldsworthy and D.C. Wotton.

Petitions received.

PETITION: BRIDGEWATER TRAIN SERVICE

A petition signed by 510 residents of South Australia praying that the House urge the Government to upgrade the Bridgewater train service was presented by the Hon. D.C. Wotton.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 292, 308, 311, 325, 331, 342, 343, 351, 361, 365 to 374, and 381; and I direct that the following answer to a question without notice be distributed and printed in *Hansard*.

BUSHFIRE AREAS

In reply to **Hon. E.R. GOLDSWORTHY** (17 March).

The Hon. G.F. KENEALLY: The question raised relates to road sealing work where the road pavement can be blocked to traffic for 15-20 minutes, the time taken to spray the bituminous binder and cover it with aggregate. For all other forms of construction and maintenance work, either alternative routes have been designated, detour tracks have been constructed, or the works are proceeding on only part of the road with the remainder being available for traffic. In the case of alternative routes and detour tracks, the needs

of emergency services are taken into account. Even in the case of road sealing works, it is generally possible for fire fighting vehicles to pass the work site on the edges of the road. It is only in areas where the formation width of the road narrows through cuttings and along fills that access would be entirely blocked and these roads are mainly found in the Adelaide Hills.

Highways Department supervisors of sealing works on such roads have been instructed to direct contractors to cease works and move off the roadway in the event of a fire in the area. On 'Red Alert' days, supervisors are instructed not to commence works and, under these circumstances, the contractor is stood down for the day. On a 'Fire Ban' day, supervisors are instructed to enable the contractor to proceed using normal precautions. Under these circumstances, bitumen would arrive on site at spraying temperature and no heating would be allowed on site. Sealing contracts include a stand-down provision to enable supervisors to stop the work due to factors outside the control of the contractor, such as rain, bushfires and 'Red Alert' days.

MINISTERIAL STATEMENT: SAGASCO AND SAOG

The Hon. J.C. BANNON (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. J.C. BANNON: The Government has reached an 'in principle' agreement with the board of the South Australian Gas Company to merge the activities and assets of that company with the activities and assets of the South Australian Oil and Gas Corporation.

Members interjecting:

The SPEAKER: Order! I call the House to order.

Members interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order and I call the member for Victoria to order.

The Hon. D.C. Wotton interjecting:

The SPEAKER: Order! I call the member for Heysen to order.

The Hon. J.C. BANNON: After the appalling mickey mouse scheme that the Opposition proposed in 1985 I am not surprised at the sour grapes that have been evidenced here. This proposal will create a strong new corporate identity which will be headquartered in Adelaide and which will be orientated towards the development of business opportunities within the South Australian economy. The proposed merger does not involve a sale of Government assets. The Government will not receive any cash from the merger and there will be no decrease in the value of assets owned by the Government—in fact, that value is likely to be increased over time.

Both companies will benefit from the removal of existing limitations and constraints on their commercial operations which will have the potential to produce benefits for all South Australians. The proposals will be subject to the approval of existing Sagasco shareholders. In essence, SAOG and Sagasco will be merged into a holding company. As an initial step, existing Sagasco shares will be split on the basis of five for one, thus creating a total of approximately 12.3 million Sagasco shares. The Government will then, as the owner of SAOG, be issued with approximately 56.2 million new Sagasco shares. This will give the South Australian Government 82 per cent of the merged company.

The new structure will retain Sagasco as the listed company holding all the assets of the combined group. The new Sagasco will have two separate operational areas. The first area will include non-utility activities, such as SAOG's existing oil and gas exploration and development. The second area will be the traditional gas reticulation, sales and customer service that is currently undertaken by Sagasco. To retain control over these utility operations amendments will be required to the Gas Act 1924-1980 and the South Australian Gas Company Act 1861-1980. These will be introduced in the next session of Parliament, and it is intended to include the following features:

1. Control of the utility may not change without the Minister's consent.

2. The price of gas supplied to consumers will continue to be subject to Government regulation (currently under the Prices Act 1948-1975).

3. The subsidiary's activities will be restricted to utility activities (that is, gas supply and distribution) subject to the Minister's discretion to approve additional activities.

4. Dealings between the utility and Sagasco or any of its subsidiaries will be at arm's length.

5. There will be a limitation on the maximum dividend which can be paid by the utility.

6. Total liabilities will not exceed a prudent proportion of total tangible assets.

The listing of the combined group will allow access to the market for equity funds which will allow an improvement in the debt/equity ratio of both existing companies. This is a more appropriate source of funds for oil and gas exploration than existing debt financing. The proposal has developed from a number of sources. First, Sagasco has approached the Government in relation to amendments to the Gas Act to allow it to improve its overall commercial position particularly in relation to fundraising and capital structure.

Secondly, the Department of State Development, through its brief to Dominguez Barry Samuel Montagu Limited, aimed at the development of South Australia's corporate sector, identified Sagasco as a well established and well known publicly listed company that was faced with a number of problems arising from its existing debt structure and limitations of the current Gas Act. Thirdly, the Government, through the Natural Gas Task Force and the Department of Mines and Energy and their basic responsibility to secure long-term energy supplies, has been concerned by a number of factors and events.

As members are aware, there has been an increasing concentration of ownership and control of natural gas reserves in the Cooper Basin in South Australia and south-west Queensland which, along with supplies in the Northern Territory, are the likely sources of future supplies for South Australia. In these circumstances, SAOG, whose prime role is to work towards the securing of gas supplies, is currently unable to expand its activities because of significant debt levels incurred in acquiring its current assets. Further, SAOG does not have access to relatively less costly equity funds available to listed companies.

In this context, and considering that current guaranteed supplies of natural gas are limited to approximately five years, the Government believes that it would be advantageous to the State to have a South Australian controlled and strongly commercially orientated group. The opportunities to engage in new activities or expansion of current areas of activity will be enhanced by the ability of the new company to raise equity capital or by using its greater financial strength as a basis for joint venture activities.

Either of these steps would involve a dilution of the existing shareholders' position in the company but the resulting new share would be in a considerably expanded organisation. As the major shareholder, the Government is

determined to remain a substantial majority shareholder in the new company. Under this proposal, we are making better use of our resources, we are expanding their potential to work for the good of all South Australians, and we are not losing any control of our vital public assets.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Lands, for the Minister for Environment and Planning (Hon. D.J. Hopgood):

Planning Act 1982—Regulations—District Council of Port Elliot and Goolwa.

Department of Environment and Planning—Report, 1985-86.

By the Minister of Transport (Hon. G.F. Keneally):

Drugs Act 1908—Regulations—Poisons.

By the Minister of Education (Hon. G.J. Crafter):

Commissioner for Equal Opportunity—Report, 1985-86.

National Companies and Securities Commission—Report, 1985-86.

Trade Standards Act 1979—Report on, 1985-86.

By the Minister of Labour, for the Minister of Housing and Construction (Hon. T.H. Hemmings):

Housing Improvement Act 1940—Regulations—Whyalla Standards Repeal.

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

Explosives Act 1936—Regulations—Fireworks Permits.

By the Minister of Fisheries (Hon. M.K. Mayes):

Fisheries Act 1982—Regulations.

West Coast Prawn Fishery—Licences.

Gulf St. Vincent Prawn Fishery—Licences.

Licence Numbers.

QUESTION TIME

SAGASCO AND SAOG

Mr OLSEN: Will the Premier confirm that it is the Government's intention to sell off up to 49 per cent of its 82 per cent holding in the restructured South Australian Gas Company and, if so, when will the sale take place and how much does the Government expect to raise as a result? The Premier has said in his press announcement of this deal that 'the Government will not receive any cash from the merger'—quite right: exchange of shares. However, the Opposition understands that it is the Government's intention ultimately to sell components of its shareholding (up to 49 per cent of its share) in the new Sagasco Holdings. This is suggested in the flow chart attached to the Premier's press release which refers to the Government's 82 per cent share of Sagasco Holdings as an 'initial position'. Information available to the Opposition indicates that such a move would generate cash flow to the Government of at least $52 million.

The Hon. J.C. BANNON: No, the information that the Opposition has is wrong: there is not an intention to sell down to 51 per cent, or to any percentage. I have said in my statement that the Government intends to remain a substantial majority shareholder in the new company. At the moment our shareholding represents 82 per cent. It may be that, if the new company is seeking either to introduce new equity into its structure, to make a rights issue, or do a number of other things, which will have to be a decision of the directors, the Government's share will be diluted in that circumstance. For instance, if there is some sort of issue made, the Government has an option as a shareholder of either picking it up or not responding to it. There are all sorts of variations on that, as everyone would know. I repeat that if, in fact, that occurs it will not be to any great extent and, in fact, a bare 51 per cent (which admittedly would mean that the Government would retain control of the company) in my view is not sufficient. A 'substantial majority shareholding' means just that.

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has asked his question.

Before calling on further questions I advise the House that questions that normally would be directed to the Deputy Premier, Minister for Environment and Planning, and Minister of Water Resources will be taken by the Minister of Lands; questions normally directed to the Minister of Emergency Services will be taken by the Minister of Transport; and questions normally directed to the Minister of Housing and Construction will be taken by the Minister of Labour.

O-BAHN BUS ADVERTISING

Mr DUIGAN: Can the Minister of Transport advise the House whether any specific codes of practice or design standards were imposed by the State Transport Authority on Buspak prior to the decision to allow advertising on O-Bahn buses? Since late last year advertising has begun to appear on the O-Bahn buses, which members of this House would be aware are specifically colour coded and designed as part of an overall marketing strategy. The distinctive blue, green and white of the O-Bahn buses features in all the publicity material as well as on the logo, letterhead and signs along the busway.

It has been put to me that, because so much effort has been put into the presentation of a design for the buses and the busway publicity and promotional material, the use of advertising on such specifically designed buses should take into account the impact that it might have on the image of the buses.

The SPEAKER: Order! The detail which the honourable member is going into sounds to the Chair to be very close to debating the matter.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I am fully aware that many people within metropolitan Adelaide would have preferred the O-Bahn buses not to have advertising on them at all. However, the STA took a decision, which I supported, that the advertising contracts that we allow for other STA buses should be extended to the O-Bahn buses.

I believe that that advertising will be done in such a way as to meet the criticisms that may be about at the moment. The advertising on the O-Bahn buses is exactly the same as that for the rest of the bus fleet. There is a code of practice and a specification, and I will be happy to give the honourable member a copy of schedules B1 and B2 of the contract which describes the area of space available and where advertisements are to be placed. The codes of practice are included in clause 6 of the contract, and they state that the contractor will ensure that:

(a) All materials and workmanship be of a quality and standard approved by the authority.

(b) Reproduction of all objects and trademarks be reasonable facsimiles of the originals.

(c) All advertisements be approved in writing by the authority prior to installation.

(d) No advertisement promoting the use or sale of tobacco or tobacco products shall be exhibited;

nor shall any advertisement carry the brand name of any tobacco product in the name of the company engaged in the manufacture of tobacco products.

Good returns are generated by advertising on STA buses in the metropolitan area, and I believe that the returns that can be generated from the O-Bahn buses should be part of that.

SAGASCO

The Hon. E.R. GOLDSWORTHY: Will the Premier guarantee that there will be no sale of Government shares in the new Sagasco Holdings?

The Hon. J.C. BANNON: I have already said that we have not closed the door to at some stage—depending on the nature of the fundraising of the new company—selling or diluting some of our holdings. I repeat that we begin with an 82 per cent holding in this company, and we will continue to remain a substantial majority shareholder. That is our intention, and that is what we will do.

SCHOOL SPORTS COSTS

Ms LENEHAN: Could the Minister of Education tell the Parliament whether he supports the practice which has been adopted by some schools, particularly high schools, to set aside a relatively small fund to help offset the costs involved in sending students to represent their schools in sporting activities where this involves considerable cost? At the March meeting of the Wirreanda High School council, the Principal requested that the council support an approach to the school finance committee to help to defray costs associated with students representing the school in interstate and intrastate sporting activities.

The Principal pointed out that continued support from parents to send their children to these events was causing a lot of burden on family finances. I am delighted to inform the House that the council voted to support the Principal's request for approximately $2 000 to help offset some of the costs involved in sending students on sporting activities to represent the school, where this involves quite considerable cost.

The Hon. G.J. CRAFTER: I certainly do support those schools that are able to raise funds and allocate them for purposes of this type—not only for sporting activities of a special nature in which students from a school have been selected to participate but also, I suggest, for a wide range of activities, particularly cultural activities, associated with our education system. A group of students from Marryatville High School is currently in Europe performing a number of concerts in Versailles, at Yehudi Menuhin's School of Music in London and also in Scotland.

To enable those students to travel overseas, the school community and indeed the broader community provided very substantial funds for the visit to occur and, indeed, for opportunities to be made available to students based on merit rather than on their ability to raise the necessary funds. School communities do raise substantial funds for a variety of purposes, and that is always an important part of the life of a school community. We have never had a school system that has operated without the financial support of parents through fund-raising and other means. It is interesting to note that in recent years substantial funds have been provided by the business community for school activities. Recently funds were provided for our aquatics program, and the Marryatville High School tour that I mentioned received sponsorship from the business sector.

Of course, the Government provides school grants, and has always done so. It provides additional funds on the basis of need through the Government assisted students scheme. Those payments were increased by an amount greater than all other payments last year; in fact, they increased by 8 per cent. So the Government's priority to assist those students who are most in need also has been recognised. I certainly support those schools that are able to take the steps to which the honourable member referred.

SAGASCO AND SAOG

The Hon. JENNIFER CASHMORE: My question is directed to the Premier. In the light of the reference in the Premier's statement about the SAOG deal to 'access to equity funds to finance exploration' and his refusal to rule out the sale of shares, does this not confirm the Government's intention to sell shares or offer new shares in Sagasco Holdings to the public and, if so, when will such equity capital raising take place?

The Hon. J.C. BANNON: No, it does not confirm anything. Obviously the process of merger, establishing the new company and the legislation for which must go through Parliament will be required before decisions are made about the way in which the company will operate.

Members interjecting:

The SPEAKER: Order!

ADELAIDE HILLS MAP

Ms GAYLER: Will the Minister of Transport, representing the Minister of Tourism in another place, ask the Department of Tourism to liaise with a company called Enterprise Advertising to revise the hopelessly inadequate map of the Adelaide Hills contained in its 1986 Grand Prix edition of the Adelaide Tourist Guide and, secondly, improve signposting in the Adelaide Hills? On Sunday I attempted to use the Adelaide Tourist Guide's map of the Adelaide Hills to go via Adelaide Hills roads from Tea Tree Gully to Lenswood as an official guest of the Apple and Pear Festival, the highlight being the finish of the veterans cycling event. The sorry tale is that I became lost on several occasions—

An honourable member interjecting:

Ms GAYLER: No, not in my electorate. I became lost on several occasions due to the poor quality of the map and inadequate signposting of Hills towns along the way.

Members interjecting:

The SPEAKER: Order!

Ms GAYLER: I took the wrong direction in attempting to reach Cudlee Creek, because I assumed that a sign pointing to the Cudlee Creek restaurant also indicated the direction of Cudlee Creek. After the veterans event, I took the signposted road from Lenswood supposedly to Basket Range and Adelaide in an effort to return to the city via Greenhill Road, only to find myself back at Lenswood, after a frustrating and tortuous journey.

Members interjecting:

The SPEAKER: Order! I ask members to refrain from interjecting so that we can clearly hear the parliamentary perigrinations of the honourable member.

Ms GAYLER: I gave up at that point and went to Adelaide via Oakbank. Having navigated successfully over sand dunes in outback Australia, I found it rather embarrassing

to be lost in my own backyard with the assistance of the Adelaide Tourist Guide.

The Hon. G.F. KENEALLY: If the signposting in the Adelaide Hills is such that a perceptive and alert person such as the honourable member is likely to get lost, the Transport Department will have some responsibility there. I will certainly ask someone from the department to follow the route taken by the honourable member on her trips around the Adelaide Hills. I will take up the matter of the map with my colleague in another place to see whether more accurate route design can be provided for visitors to South Australia.

I am well aware (and I know that an honourable member opposite wants to make this point) that concern has been expressed in the tourism industry generally about signposting in South Australia, especially in the Adelaide Hills. The Highways Department has always been reluctant to allow proliferation of road signs because such signs can present a road hazard. On the other hand, sensible and appropriate signposting that makes travelling a more pleasurable and fulfilling exercise for tourists and local people alike, as well as members of Parliament travelling in their electoral districts, is something for which we should strive. I will take up this matter with my department and with my colleague in another place to ensure that a proper service is provided.

SAGASCO AND SAOG

Mr OSWALD: Will the Premier say what is the valuation of SAOG on which the deal with the South Australian Gas Company has been agreed and who prepared that valuation? Further, will the Premier table all the documents that the Government has received relating to such valuation?

The Hon. J.C. BANNON: On yesterday's share price, the proposed value of SAOG would be about $110 million, which falls well within the range of value that SAOG had calculated. We have used two sets of experts, one being Dominguez Barry Samuel Montagu, the advisers to the South Australian Government, and the other being Capel Court, which provided an independent valuation, and we are satisfied with both the valuation and the financial deal.

SOUTHERN DISTRICTS TECHNOLOGY PARK

Mr TYLER: Will the Minister of State Development and Technology ask the board of Technology Park to consider establishing a southern suburbs annex of Technology Park? Technology Park has been an outstanding success, and I am told that it is one of the fastest growing technology parks in the world. It has been put to me that there is now scope for a Southern Suburbs Technology Park that would emphasise biotechnology. The new park could establish close links with the Flinders Medical Centre and the Flinders University in order to cross fertilise research. Many people in our southern suburbs believe that we need to introduce industries with a future to the region. They argue that with a young and rapidly growing population it is vital that our southern districts do not become just dormitory suburbs. The creation of long-term job opportunities is vital.

The Hon. LYNN ARNOLD: I thank the honourable member for his question. I know that this matter has been of interest to a number of members, including the member for Fisher and the member for Bright. Indeed, they had some public airing of this proposal a couple of weeks ago and they informed me at the time of their interest in this matter. On Tuesday 7 April I was present at a board meeting of the Technology Park Adelaide Corporation and at that time I said, 'This is an idea that has been raised by two members of Parliament. I certainly hope that the board will examine it and give it some consideration.'

In that context, over a considerable period I have said to the board not only that it should anticipate its brief for development of Technology Park activities to be that area known as the Technology Park which exists in the stock paddocks but also that it should see itself as perhaps having some facilitating role to assist in the development of other kinds of technology areas elsewhere in the State.

One of the things I have raised with it is the proposition that it could offer management services to other tertiary institutions that wished to interface with industry; in other words, to have some industrial enterprises working on its campuses or adjacent to them. That would be a voluntary offer of management services: it would voluntarily be taken up by some institutions, and it would not be something for which we could legislate and bring about by force. It is something which happens in a number of other parts of the world.

The Discovery Parks Foundation in British Columbia, which has many similarities to Technology Park Adelaide, operates precisely that way. Each one of the tertiary institutions in British Columbia—the University of British Columbia—has a Discovery Park attached to it. I think it would be a great pity for the development and the promotion of high technology in South Australia if there were established a series of competing Technology Parks, all undercutting each other to go for what business enterprises may be around: it would be much better if they were coordinated. I put that point of view to the board of Technology Park, which concurs with the spirit of that.

As to whether any immediate proposals will be able to be advanced, I have to say that there are no firm plans in hand. This is something that will still need to be discussed further and, as other plans take place with respect to the promotion of biotechnology industries in South Australia, which is a matter of considerable concern to the board of Technology Park Adelaide, it will certainly bear in mind my injunction that it should not only think about the stock paddocks in the northern part of Adelaide but also about South Australia at large and other potential sites for development to take place.

DOMINGUEZ LTD BRIEF

The Hon. B.C. EASTICK: Why did the Minister of State Development and Technology mislead the House on 2 April 1987 when, in answer to a question about advice being provided by the company which has most recently been advised by the Premier, the Minister stated:

> The brief is a general one to seek advice on matters and to seek opinions from them on various matters. It does not specifically touch upon either of the areas raised by the member for Light.

That is, the South Australian Oil and Gas Corporation and the Woods and Forests Department. The Minister continued:

> The points raised by the honourable member were not specifically mentioned in any brief.

The Hon. LYNN ARNOLD: I did not mislead the House. In fact, the exchange of letters between the Department of State Development and Dominguez Barry Samuel Montagu Limited did not specifically mention the South Australian Oil and Gas Corporation, Sagasco or the Woods and Forests Corporation. That does not appear there. That is what I was asked on that occasion and that is what I advised the

House. That situation has not changed. The brief retaining Dominguez Barry Samuel Montagu does not mention those organisations.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The Leader of the Opposition says, 'That's why the shredder was doing overtime last Friday.' This is absolutely bizarre.

Mr Olsen interjecting:

The SPEAKER: Order! I call the Leader of the Opposition to order. The honourable Minister.

The Hon. LYNN ARNOLD: I suggest that members in this place who asked questions on this matter on 2 April and last week—

Members interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order. The honourable Minister.

The Hon. LYNN ARNOLD: I suggest that honourable members re-read the questions that they asked and the answers that I gave, and they will understand that I have not misled this place.

MOTOR VEHICLE VENDORS

Mr ROBERTSON: I direct my question to the Minister of Education, representing the Minister of Consumer Affairs in the other place. Will the Minister give consideration to requiring that licensed vendors of new and used motor vehicles include some statement of 'incidental'—

Members interjecting:

The SPEAKER: Order! Will the member for Bright please resume his seat for a moment. I do not know about other members, but the Chair is having a great deal of difficulty hearing the question from the member for Bright due to the discourtesy of some members in the Chamber, and I ask that it cease. The honourable member for Bright.

Mr ROBERTSON: I was asking whether the Minister will give consideration to requiring licensed vendors of new and used motor vehicles to include some statement of 'incidental' costs, such as sales tax and stamp duty, for the benefit of the purchaser at the point of sale of a motor vehicle. Recently I was approached by a constituent who had purchased a second-hand motor vehicle through a dealer. The gentleman in question signed a contract on which the cost of the vehicle and registration and third party insurance costs were shown. When he asked whether this was his total liability he was told that there were other costs but that they were 'incidental'. The so-called 'incidental' sales tax and stamp duty on the vehicle, which sold for $11 000, were well in excess of $400, and, to my constituent, that was anything but 'incidental'. He has suggested to me that the form of contract should be changed to show the vendor's total liability and not just the segments for which the dealer is legally responsible.

The SPEAKER: The honourable Minister of Education.

Members interjecting:

The SPEAKER: Order! The Minister of Education has the call, not the member for Murray-Mallee or the member for Davenport.

The Hon. G.J. CRAFTER: I thank the honourable member for raising this matter. I will obtain a report from my colleague as expeditiously as possible.

DOMINGUEZ LTD BRIEF

The Hon. JENNIFER CASHMORE: Will the Minister of State Development and Technology explain by what means, either natural or supernatural, Dominguez Barry Samuel Montagu Limited were briefed by the Government in relation to the SAOG issue valuation? The Minister of State Development and Technology—

The SPEAKER: Order! Is the honourable member seeking leave?

The Hon. Jennifer CASHMORE: I seek your leave, Mr Speaker, and that of the House to briefly explain the question.

Leave granted.

The Hon. JENNIFER CASHMORE: On 2 April, in answer to a question asked by the member for Light, the Minister denied that the brief (and there was no mention in the member for Light's question as to whether it was a written or an oral brief) was seeking any advice on matters relating to SAOG. In answer to a question that I asked on the same day about discussions—not letters, not a written brief, but discussions—the Minister said:

> The discussions alleged by the member for Coles, that is to say, discussions about the range of options for the future of the South Australian Oil and Gas Corporation, including selling shares in SAOG to the public and seeking institutional investment in SAOG, did not take place.

In view of the Minister's denial that no written brief was prepared on this issue, and in view of his denial that no oral discussions took place on this issue, will the Minister explain to the House how Dominguez Barry Samuel Montagu Limited could possibly have come up with a valuation for the Government along the lines that the Premier has just outlined?

The Hon. LYNN ARNOLD: On 2 April the member for Coles asked whether my brief discussions with Mr Higgs, of Dominguez Barry Samuel Montagu Ltd, included a discussion of the range of options for SAOG. I advised the House at the time that such a discussion did not take place. That is correct. I was scheduled to have a discussion with him on 16 December; that was to take place at 5.30. It was a protocol call; in fact, it was just to be drinks after Cabinet. The Cabinet meeting ran longer than scheduled, and I had to send out my apologies that I was unable to make that occasion. So, my answer to the member for Coles is quite correct.

The question asked on 2 April by the member for Light said about the brief, among other things, 'or is it a wide-ranging brief to assess the future utilisation of all public assets?' I answered the question to indicate that it was a wide-ranging brief, but a wider-ranging one than the one the member for Light assumed, and I said in answer that it was a general brief, a general advice to the department relating to corporate matters, financial matters and other matters of economic interest.

That is the letter of introduction that enables the department and Dominguez Barry Samuel Montagu Ltd to have discussions. The process has been that Dominguez Barry Samuel Montagu Ltd has raised suggestions with the department, one resulting, as I indicated to the House on Tuesday 7 April, in discussions on the Friday prior to that (5 April) regarding the matters mentioned by the honourable Deputy Leader.

That is what has gone on as a result of that general, wide-ranging brief. From time to time, different ideas are floated with the department. As has been indicated by the Premier, this matter was raised separately on an earlier occasion by the South Australian Gas Company, so I stand by my absolute assertion that I have not misled the House.

Members interjecting:

The SPEAKER: Order!

CAR PARKING

Mr M.J. EVANS: Will the Minister of Transport arrange for STA officers to work closely, as a matter of some urgency, with the Elizabeth City Council, Myers and the Jennings Corporation, as the managers of the city centre shopping complex, and the Housing Trust to ensure that adequate alternative arrangements are made for car parking at the Elizabeth railway station? As the Minister is no doubt aware, many railway commuters have experienced a significant degree of chaos in car parking arrangements following the sale of the traditional car parking site by the South Australian Housing Trust for use as a hamburger sales outlet.

The city centre managers, whose car park is provided for shoppers, have been inundated with commuters seeking to use their car park immediately adjacent to the railway station as an alternative to the railway station car park. The commuting public rightly demands adequate parking in the local public transport terminal and many commuters have asked me to appeal to the Minister to ensure that this facility is available to them at Elizabeth.

The Hon. G.F. KENEALLY: I am aware that the sale of this piece of land and the use to which it will be put has caused some inconvenience to commuters who had become used to parking their vehicles on a piece of Government land owned by the Housing Trust. As I recall, I think that the member for Elizabeth asked me, as Minister of Transport, whether we would be prepared to purchase that land from the Housing Trust to use as a car park. In the event, I was not prepared to instruct the STA to do that, because there is a heavy subsidy already provided to transport commuters in Adelaide and to purchase that piece of land at some considerable cost would have added to it.

The STA does provide parking in transfer stations, etc. However, it does not have responsibility for providing parking throughout Adelaide for all of its commuters. If the STA were given that responsibility, that would create an enormous cost problem for that authority. As the honourable member has said, there is some confusion existing at Elizabeth about this matter. I am aware that the Myers and Jennings people are most unhappy about commuters parking in their car park and that they have threatened to take action to prevent that happening. The Elizabeth City Council has also expressed concern about this matter. I will ask the STA to talk with the city council, the owners of the property. I do not know whether the Housing Trust at this stage can play a constructive role in this matter; I doubt whether it can. In any event, I will ask the STA to talk to other authorities to ascertain whether alternative parking is available.

The Hon. B.C. Eastick interjecting:

The Hon. G.F. KENEALLY: I am just restating the STA's position, that that authority cannot be expected to provide all of the parking required by commuters in Adelaide. The query by the member for Light can, I believe, be included in that statement.

SAOG

Mr S.J. BAKER: My question is to the Premier. As the Government's decision to effectively privatise—sorry, merge—the South Australian Oil and Gas Corporation breaches the Labor Party's mineral and energy platform, has tonight's special Labor Party meeting to be addressed by the Premier been closed to the media because he is concerned about strong opposition within the ALP to this move?

Members interjecting:

The SPEAKER: Order!

Mr S.J. BAKER: Further, will the Premier inform his comrades of his intention in the future to sell off part of its shareholding?

The Hon. J.C. BANNON: The answer is, 'No, no and yes.'

DOGS IN MOTOR VEHICLES

Mr De LAINE: Is the Minister of Transport prepared to consider the introduction of legislation to put a stop to the stupid and dangerous practice of people transporting untethered dogs in motor vehicles? This dangerous practice seems to be on the increase and, because some dogs are quite large —in fact, sometimes even bigger than the driver of the vehicle—there is a very real potential danger not only to the occupants of that vehicle but also to other road users and pedestrians if the dog should fall against the driver or become excited.

The SPEAKER: Order! The Chair was distracted at that particular moment, but I suspect that the honourable member was debating the question.

The Hon. G.F. KENEALLY: I believe that the honourable member has raised a very serious matter for the House—or, certainly, for me as Minister—to consider. I would have to admit to some guilt in this practice myself in the past, as a small dog which used to live at the Keneallys' residence always insisted on travelling everywhere that the car went—and she was always very welcome. However, I do acknowledge the danger that dogs, especially large dogs, could cause if they were untethered in a motor vehicle, particularly on metropolitan roads.

An honourable member interjecting:

The Hon. G.F. KENEALLY: As the member for Coles has pointed out, there could be even greater danger if they were tethered and became excited. I would have to check this out with the road safety people and the Crown Law Department. I am not too sure at the moment what the legal position is. It may very well be that, if an untethered dog is in a vehicle and is jumping around, it could constitute the basis for driving in a manner dangerous. That I do not know.

An honourable member interjecting:

The Hon. G.F. KENEALLY: The member for Chaffey would like me also to see if I could find out what the dogs think. I would prefer to leave that with the member for Chaffey, who may have better contacts with the dogs than I do. This is a serious matter, which I am prepared to look at. I will bring down a report for the honourable member.

SAOG

Mr GUNN: Does the Premier's decision to effectively privatise the South Australian Oil and Gas Corporation have the unanimous support of the ALP parliamentary Caucus?

The SPEAKER: Order! Unless the honourable member can rephrase his question, I will have to rule it out of order, because it does not relate to the Premier's ministerial responsibilities.

Mr GUNN: Under what Standing Order?

The SPEAKER: Order! It does not seem to be related to a ministerial responsibility of the Premier.

Mr GUNN: I ask you under what Standing Order you have ruled me out of order.

The SPEAKER: It is the practice of the House that questions directed to Ministers should be related to the area of their ministerial responsibilities and the responsibilities they bear to the House, not responsibilities to their political Party.

Mr GUNN: On a further point of order, the question relates to the privatisation of SAOG, which is obviously under the direct control of the Premier and the Government of South Australia, even though they are attempting to hand it over to private enterprise.

The SPEAKER: Order! The honourable member will resume his seat. I do not accept the point of order. It is quite clear that a question that may relate to the Premier's role as Treasurer in relation to the administration of the State would be in order. However, the main thrust of the member for Eyre's question clearly relates to the Premier in his position as a parliamentary member of the Labor Party Caucus and, as such, I rule the question out of order.

The Hon. E.R. GOLDSWORTHY: I rise on a point of order, Mr Speaker. In the interest of consistency in relation to rulings from the Chair, I must point out that we have had a series of questions day in and day out for various Ministers about policies of the Federal Liberal Party, which is even further divorced from the South Australian scene. Those questions were in precisely the same context as the question that you, Mr Speaker, have now ruled out of order. In fact, I recall the Minister of Housing and Construction getting up in this place with the asinine grin that he frequently wears gloating over the fact that he could score a political point in answer to a question of exactly the same type as the question that you, Sir, have just ruled out of order.

The SPEAKER: Order! The honourable member is digressing. In response to his point of order, I would point out that the questions referred to that were not ruled out of order over the past couple of weeks were questions asked about Ministers' concerns about the practical ramifications of particular policies being espoused in various sections of the community; they did not relate to internal or administrative Party matters. The Chair is insistent that the question from the member for Eyre is ruled out of order.

The Hon. E.R. GOLDSWORTHY: On the same point of order, Mr Speaker, the questions to the Minister of Housing and Construction related to the policy of the Federal Liberal Party. The member for Eyre's question relates to Labor Party policy on this matter. The select committee's report has just been tabled in another place, and it indicates quite clearly that some Labor Party members do not favour this move. I fail to see how there is any difference between the style of questions asked in relation to the Federal parliamentary Liberal Party and this question on the State ALP.

The SPEAKER: Order! The Deputy Leader may have raised some interesting points, but they do not change the Chair's point of view that the Premier's position as a member of the parliamentary Labor Party cannot be directly related to this question.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I move:

That the Speaker's ruling be disagreed to.

Members interjecting:

The SPEAKER: Order! The Deputy Leader must bring that up in writing. Is there a seconder?

Mr S.J. BAKER (Mitcham): Yes, Mr Speaker.

Members interjecting:

The SPEAKER: Order! I call to order the member for Victoria and the member for Mitcham.

The Chair will not accept the Deputy Leader's motion to disagree unless it can be rephrased to relate more closely to the actual requirement.

The Hon. E.R. GOLDSWORTHY: I am not prepared to tone down the words of my dissent motion because they relate to your bias, Sir. All that I am expressing is my reason for dissent because of your clear bias to protect the Government from a legitimate question.

The SPEAKER: Order! I warn the Deputy Leader of the Opposition that if he utters one more word in that general direction I will name him instantly and subject him to the discipline of the House.

The Hon. E.R. GOLDSWORTHY: Mr Speaker—

The SPEAKER: Order! Is this a point of order from the honourable Deputy Leader of the Opposition?

The Hon. E.R. GOLDSWORTHY: My word it is.

The SPEAKER: Order! I also caution the honourable Deputy Leader to be wary in his stance towards the Chair.

The Hon. E.R. GOLDSWORTHY: Well, my stance to you, Sir, is precisely the same as yours to me. Okay?

The SPEAKER: Order! I name the honourable Deputy Leader of the Opposition for a defiant attitude towards the Chair in the Chair's endeavours to uphold the rulings of the House.

The Hon. E.R. GOLDSWORTHY: Well, just a bit more bias, Mr Speaker. How silly can you get!

The SPEAKER: Order! The honourable Deputy Leader of the Opposition will resume his seat. In the face of disruptive behaviour, the Chair has taken the step of naming the honourable Deputy Leader. Does he wish to provide an explanation to the House?

The Hon. E.R. GOLDSWORTHY: I most certainly do.

The SPEAKER: The honourable Deputy Leader of the Opposition.

The Hon. E.R. GOLDSWORTHY: The last incident which led you, in stentorian tones, to name me was when I rose to take a point of order, which you invited me to do. It appears that you are allowed to address me as a member of this House in a certain tone of voice, irrespective of what your mouth may be uttering, yet I am not allowed to address you in the same tone when taking a point of order. That is point No. 1. What I wanted to do, when I was invited to take this point of order, was to ask you what point of order gave you the right to dictate to me the grounds—

Mr Gunn interjecting:

The SPEAKER: Order! The honourable member for Eyre will extend to the honourable Deputy Leader of the Opposition the courtesy of being heard in silence.

The Hon. E.R. GOLDSWORTHY: This argument is your ruling, Mr Speaker, without the House having heard my reasons for disagreement. I want to know which Standing Order allows you to dictate to me, as a member of the House, the grounds on which I am allowed to disagree to your ruling. I passed up to you a perfectly plain sentence in legible, intelligible English, outlining my grounds for seeking to disagree to your ruling. What right have you, Sir, to dictate to me the grounds on which I may disagree to your ruling? The grounds that I sought to put to the House were that you were not being consistent and were showing clear bias in favour of the Government in allowing some questions in and ruling others out. You were not prepared to read that to the House because it did not suit your purposes to do so.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: It did not suit the Speaker's purposes to read out my grounds of disagreement, which were clear. The interjections which led to that disagreement, as well as the points of order taken by me and

my colleagues, indicated to the House that we did not believe that the Chair was being consistent. Day in and day out we have had to sit here and listen to dorothy dix questions dreamt up by members of ministerial staffs or, no doubt, the Ministers, in reply to which Ministers have discussed with great glee policy proposals and disagreements within the Federal Liberal Party.

We had that grinning ape of a Minister of Housing and Construction gleefully belabouring the Federal housing policy and the disagreement that had emanated from the Federal parliamentary Party—a matter even further divorced than this question. On the grounds of your inconsistency in allowing that type of question to be asked of Ministers from the Government side but not allowing this question, which bears directly on the affairs of this State and the Premier's ministerial responsibility, you choose to rule the question out.

The reason for my moving disagreement was because of your clear bias. You ruled those words out for some reason known only to you, and you addressed me in stentorian tones; and when I sought to take a point of order in the same tone of voice, I was named. The House is descending to absurdity if we are to allow this sort of series of events to occur when you dictate to a member in this place, in this case me, the grounds on which your ruling can be disagreed to. I think that you are biased, and I have said so.

The Hon. B.C. EASTICK (Light): I move:

That the Deputy Leader of the Opposition's explanation be agreed to.

The Hon. J.C. BANNON (Premier and Treasurer): The Government opposes the motion moved by the member for Light. First, it is important that the Chair's authority be upheld because, if it is not, this House will become a complete shambles. Also, the Speaker has earned the respect of all members for the way in which he has conducted the proceedings of the House. Especially since the new Standing Orders have operated, proceedings here have been far more efficient and orderly and indeed have ensured that, for instance, in Question Time we get a lot more questions than we used to.

An honourable member interjecting:

The SPEAKER: Order! Will the honourable Premier resume his seat. The Chair is most loath to intervene in this debate. The Chair endeavoured to give the Deputy Leader of the Opposition protection from being interjected on when he was making his remarks to the honourable members of the Assembly, and I ask him to extend the same courtesy to the Premier.

The Hon. J.C. BANNON: We are not canvassing here the ruling of the Speaker, although I support that ruling. It was made quite clear. The reason why we cannot canvass the Speaker's ruling, which we could well have done, the procedure having been made available for that, was the inflammatory terms, apparently, in which the Deputy Leader of the Opposition proposed to put some sort of challenge before the Chair. If he wants to be fair dinkum, he can move a motion of no confidence in Mr Speaker, and then we can have the full rigour of debate around that. He knows, because he has been here longer than most of us, that that is a ridiculous way in which to approach it. The member for Eyre, who also has had long experience here, knew that, too. He knows that one does not try to provoke a confrontation unless one has an ulterior motive. That is something about which I begin to wonder occasionally. One does not provoke a confrontation: one consults the Speaker.

Mr GUNN: On a point of order, Mr Speaker—

The SPEAKER: Order! The honourable member for Eyre has a point of order. The Chair will name any other member who interrupts to the extent that one honourable member has been doing while I have been trying to pay attention to a point of order to be raised by the honourable member for Eyre.

Mr GUNN: The Premier is imputing motives to me, when I went to ask the question, which are quite incorrect and reflect on me. Therefore I ask that the Premier withdraw the imputation. My purpose in asking the question, which you ruled out of order, Mr Speaker, was a genuine attempt to seek information from the Premier, because he—

The SPEAKER: Order! The honourable member's point of order can conclude at that point. He has made his objection clear. I now refer his remarks to the honourable Premier.

The Hon. J.C. BANNON: I am not imputing motives to the member for Eyre, but I say that a member of his experience, in seeking to get information in the way that he has—

Members interjecting:

The Hon. J.C. BANNON: I am making no imputation, so there is nothing for me to withdraw. I will explain my point. In seeking to get certain information, for which obviously he has to frame a question, the member for Eyre must do so within the Standing Orders of the House, and if the Speaker makes a ruling on his question, as has happened on all sides, an honourable member then takes the question to the Speaker and discusses it with him.

An honourable member should say, 'What is the acceptable way of framing this question which I wish to ask?' Instead of doing that, the member for Eyre stacked on a turn about it and said that it was outrageous. Then up to his feet gets the Deputy Leader of the Opposition in this debate to add to the general mayhem and confusion, and it was in that kind of atmosphere that the Deputy Leader was named. It was clear that he was being deliberately provocative in a situation that needed no provocation. I repeat that the member for Eyre could quite easily get his question looked at. That is the normal way it is done. He knows that, because he has been here a long time.

I think it is a shame that that honourable member, who does in fact observe the rules and the decorum of the House, is able to be exploited by the Deputy Leader, who thinks that he will have a bit of fun on the last day. It is a nice little scene to put on. I think it is a great pity that the Opposition seeks to mar the proceedings. At least it saves members opposite from trying to think up a few more questions. Obviously, they have run out of questions, I think that the way in which the Deputy Leader sought to challenge, to continually interrupt the Speaker and to speak in an inflammatory fashion all suggest that such an explanation cannot be accepted. He knows exactly what he is on about; he has been here too long. He is too clever an operator just to suggest that he naively or in a flush of emotion—

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: He knows very well that what I am saying is right.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: He knows very well. He has been around a long time.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Need I say more?

Members interjecting:

The SPEAKER: Order! The honourable member for Mawson will cease interjecting.

Mr GUNN: I asked for a withdrawal of what I regarded as a reflection upon me by the Premier and you, Mr Speaker, have not ruled on that matter.

The SPEAKER: The honourable member for Eyre should be aware that, where expressions are unparliamentary, the Chair demands the withdrawal of those words by a member who may have used unparliamentary terms. Where a member has used terms which have offended another member, the Chair will refer those remarks back to the member who has allegedly made those remarks that have offended the other member and the opportunity is there for those remarks to be withdrawn if it is appropriate, in the view of the honourable member who made the remarks in the first place, to do so. The honourable Premier.

The Hon. J.C. BANNON: I would withdraw the reflection if I could understand it. If the honourable member is satisfied by my saying that—I was casting no reflection on him. If he would like to point out to me exactly how I was, perhaps in another context, I am happy to withdraw it. I explained fully what I was saying about the honourable member in the remarks I made subsequently.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The honourable member for Light.

The Hon. B.C. EASTICK: I direct your attention to Standing Order 164, which provides:

> If any objection is taken to the ruling or decision of the Speaker, such objection must be taken at once and not otherwise; and having been stated in writing, motion shall be made, which, if seconded, shall be proposed to the House and debate thereon shall be limited to ten minutes each for one speaker . . .

I draw your attention to the terms of that Standing Order which clearly indicate that it is within the province of the member raising the objection to make the statement in writing. The honourable member did just that.

Members interjecting:

The SPEAKER: Order! Before responding to that point of order, I ask whether other members wish to contribute to the debate.

Mr Gunn: To which debate are your referring?

The SPEAKER: The motion before the Chair from the honourable member for Light that the explanation of the Deputy Leader of the Opposition be agreed to.

Mr GUNN (Eyre): As the person who was attempting to ask a question to seek information from the Premier, I would like to contribute. You ruled that out of order, and that then led to the unfortunate naming of the Deputy Leader of the Oppostiion, who was severely provoked in taking the course of action which he took. In my 17 years in this Parliament this is the first occasion on which I have seen a Speaker refuse to put to the House a motion to disagree to the Speaker's ruling. I have seen a number of these motions moved in this House. The Deputy Leader pointed out that the House had to listen to nonsense from the Minister of Housing and Construction in answering dorothy dix questions which had nothing whatsoever to do with the authority of the Minister in this House and which were nothing more than a political exercise dreamed up by—

The SPEAKER: Order! The honourable member will resume his seat for a moment.

The Hon. G.J. CRAFTER: Pursuant to Standing Order 164, I understand that there can be only one speaker for and one against the motion. I would ask you, Mr Speaker, to rule accordingly.

The SPEAKER: This is in relation to the naming of a member. The debate, I am afraid, can continue for some time. The honourable member for Eyre.

Mr GUNN: An attempt having been made to gag me on this matter, I will continue. This House has been subjected, on a daily basis, to attempts being made to discredit members of the Opposition by the political staff of Ministers in this House, in particular the Minister of Housing and Construction. We have had to listen to these questions which are not pertinent to this House and, when a question is asked which clearly relates to the ministerial authority of the Premier, the person who would have to introduce legislation into this House—

The SPEAKER: Order! At the moment the honourable member's remarks are quite out of order, because they do not directly relate to the subject before the Chair, which is the naming of the Deputy Leader of the Opposition for defiance.

Mr GUNN: Of course they relate to that matter. I am only trying to explain to the House why the Deputy Leader was forced to attempt to move disagreement to your ruling and to point out to you, Sir, that the question which led to this occurrence was quite in order, particularly when one compares the questions which were answered by the Minister of Housing and Construction, which were all dorothy dix questions.

My question to the Premier was a simple one which sought information, and it is quite deplorable that the Opposition can be treated in such a cavalier fashion. I repeat that, in the 17 years that I have been in this House, this is the first time, when a motion to disagree to a Speaker's ruling has been raised, that the Speaker has refused to put it to the House. I ask you, Sir, to reconsider that course of action because, according to Standing Orders, it is the right of any honourable member to disagree with the Speaker's ruling, and on this occasion the Speaker cannot be the judge and the jury. I therefore sincerely hope that, in a spirit of fair play and justice, the explanation of the Deputy Leader will be accepted, because the manner in which the Opposition has been treated during Question Time over the past few weeks has been quite unfair.

The SPEAKER: Order! I intended to make my remarks at the conclusion, because I anticipated that, after the point of order that was directed to me by the member for Light, there would be no other speakers. However, other persons have joined in the debate and I will therefore make my remarks at this point so that I can clarify the point of order that was put to me by the honourable member for Light. The disagreement motion that was put by the honourable Deputy Leader of the Opposition stated:

> I disagree to the ruling, because it displays clear bias to shelter the Government from legitimate questions.

The Chair ruled that motion out of order because, although the first half of it is a dissent motion, the second half is a no-confidence motion in the Chair. If the House is of the view that that no-confidence motion should be put and carried, it is at liberty to do so as a separate item. The opportunity was there for the Deputy Leader of the Opposition to have rewritten his disagreement motion, simply ceasing at the word 'ruling'. The Chair would have had no difficulty in accepting, 'I disagree to the ruling.' The Chair could not accept it in association with a no-confidence motion unless that no-confidence motion, if there were to be one, were put separately. Further—

Mr Lewis interjecting:

The SPEAKER: Order! I warn the honourable member for Murray-Mallee for interjecting when the Chair has risen to his feet. I have stressed on previous occasions that the Chair has always been very reluctant to give rulings or to speak to the House from a standing position, because I

believe that to do so on a regular basis is somewhat pompous. However, on those rare occasions when I do rise to my feet, I will be absolutely insistent that the complete authority of the Chair be respected. It is in the interests of the authority of the Chair being maintained that I have named the Deputy Leader of the Opposition.

There are several principles on which the Chair must operate with respect to the maintenance of decorum, to ensuring that members are not shouted down, and to expediting the business of the House, but all of those are centred upon the authority of the Chair being maintained. If the authority of the Chair is not maintained, then this House will descend into a rabble.

The Hon. E.R. GOLDSWORTHY: I would like to speak to the motion. I am still in the Chamber and I have the right to do so, I take it.

The SPEAKER: Very well. It is unusual, but the Chair accepts it.

The Hon. E.R. GOLDSWORTHY: We are in quite an unusual and unique set of circumstances, I submit. The absurdity of the statement just made to the House must be apparent to all, Sir. I gave reasons for disagreement because I had no confidence in your ruling. We have now embarked on an exercise in semantics where you, Sir, seek not to accept the reasons for disagreement which I honestly put before you because I thought your rulings displayed clear bias in an attempt to shelter the Government. That is what, as a member of this Parliament, I believed; that is what I wrote; that is what I put in front of you, Sir; and now, in an exercise of semantics in your rewriting of the Standing Orders on the spot, it is suggested that I am to move a vote of no confidence when in fact that is what I have just done.

I have moved a vote of no-confidence in your ruling. That is what disagreement is all about. So, all this exercise in semantics is so much piffle as far as I am concerned. The fact is that the Standing Order is perfectly clear. It does not say that, if the Speaker does not think the reasons submitted are suitable, the member must go away and move a vote of no confidence. That is an absurd proposition to put to this House. I moved disagreement to your rulings because I believe that they show clear bias to shelter the Government. That is what I said; that is what I believe, and that is why I moved disagreement to your ruling. That is why I wrote it down and sent it up to you, and that is what you should have accepted, Sir.

Further, I was seeking to clarify that very point, which I believe that you have erroneously clarified for the member for Light. I sought earlier to take that precise point of order but, because you did not like my tone of voice, you named me. I got up and started to ask what Standing Order allows you, Sir, to rewrite the rule book, what Standing Order allows you to say, to dictate to me, the reasons for my disagreement to your ruling. However, because you did not like the tone of my voice you kicked me out. It is as simple as that. Mr Speaker, in relation to this debate, if anything reinforces my judgment of the insecurity of your rulings in relation to the Opposition and the Government, that explanation does.

The Hon. G.F. KENEALLY (Minister of Transport): Both in the explanation that the member for Kavel sought to give to the House and now in his participation in this debate he has continued in what I would regard as his extreme disrespect to the Chair. It was because of his disrespect to the Chair that he was in fact named; it was because of his behaviour that I am asking the House not to agree to the acceptance of his explanation. What we need to do is to get back to the reason why the honourable member was named. He was named because he defied the Chair, because of that extreme disrespect that he demonstrated to the Chair and continued to show.

The honourable member has been here since 1970, and so have the members for Light and Eyre, and so have I. Three of those four members have been in the Chair for considerable lengths of time over that period, and we know, although we are on different sides of the argument here, just exactly what are the responsibilities to the Chair of a member of Parliament. Unless members of Parliament are prepared to accept the rulings of the Chair, unless members of Parliament are prepared to show respect to the Chair, the Parliament itself will deteriorate into no more than a bear pit—and that is exactly what the member for Kavel is attempting to do at the moment. The Speaker pointed out to the member for Kavel that the wording of his disagreement was not acceptable to the Chair but that he could reword that disagreement.

Members interjecting:

The Hon. G.F. KENEALLY: He did. I suggest to the member for Kavel that he check the *Hansard* record. The Speaker invited the member for Kavel to reword the motion because he said the terminology was not acceptable to the Chair. The member for Kavel then took umbrage at that, and in very loud, abusive and aggressive tones wanted the Speaker to justify to him why he had ruled in such a way, and the Speaker had to raise his voice, in the stentorian tones that the honourable member complains about, so that the rest of the members of this Chamber could hear over the noise of the member for Kavel.

As a member of this Parliament I know what the penalty is for disobeying, disregarding and showing contempt to the Chair. So does the member for Kavel. He knows what the ultimate penalty is, and I believe that he has forced the Speaker to take the action that he has. If this Parliament wants to uphold the right of the Speaker to be in charge of the Parliament, then members have to disagree with the member for Light's motion and to support the proposition that the explanation should not be accepted.

Mr S.G. EVANS (Davenport): I support the motion to accept the explanation, and I do so for several reasons.

Mr Ferguson interjecting:

The SPEAKER: Order! The member for Henley Beach will cease interjecting. The honourable member for Davenport.

Mr S.G. EVANS: About a week or a fortnight ago I raised some ire when the member for Mawson was given an opportunity to give a long explanation to a question which was shown to you, Mr Speaker, before the Parliament commenced. I said by way of a point of order at the time that I saw dangers in the circumstances of your wanting every question brought to you before those questions are asked by members. Standing Order 164 refers not only to rulings but to decisions, and your decision was that the question was out of order.

In relation to Standing Order 164, you, Sir, did not give any reason at all why you would not accept the motion moved by the Deputy Leader: you just said that the wording of it was such that you could not accept it. You did not tell the House at the time what the wording was. You did not say under what Standing Order you had the power to refuse a certain wording—and I do not believe that you have. There is no evidence before me that you have that power, and so you place all members in this place in doubt—except the Deputy Leader of the Opposition—about what was in

that motion. You simply ruled it out of order and, naturally, a member is going to get irate.

We trust you, Sir, as custodian of the Standing Orders, to be 100 per cent line ball when it comes to a crunch situation like this. In such situations you must put yourself right aside from whatever thoughts you may have had earlier—and no-one knows in this case what they were. You also know from your experience, Sir, as I know from mine in here, that nearly every time there is a barney like the one that we have now it is because the Government of the day is facing a question which may cause some embarrassment, and which it can divorce itself from. It nearly always occurs in those circumstances, and that can be verified from the records. That is part of the parliamentary process.

Further, there is no other way in which a member of the Opposition can make a point to ensure that it is recognised by the Speaker that there is doubt in a member's mind as to whether the House is operating fairly. There is no doubt in my mind that the points made by other speakers about members on the Government benches asking questions about matters that do not relate to a certain Minister's responsibility have gone through this Parliament in recent times. I know that you will say, Sir, that we should raise points of order at such times—and have another barney. That is one way of attacking the matter. However, a member of the Opposition or an individual member has only one way of raising concern about any action that you might take, and that is why Standing Order 164 is there. The purpose of it is to provide members with an opportunity to exercise a right to get over a point of view that they believe that they have been unfairly treated.

The Deputy Leader of the Opposition gave the Chair notice of motion in writing, as he was bound to do under Standing Orders, and I believe that you, Sir, are bound by Standing Orders to accept it and to let it be debated. Whether it is won or lost (and everyone knows the numbers game in here; the Government always wins), that is the only process available to a member to ensure that the Speaker keeps somewhere in line, in the eyes of that member. The member concerned may not be right, but it is a right placed in the Standing Orders for individual members. In my experience, in all these cases there is some fault on both sides, but if an Opposition or an individual member does not stand by the rights that Standing Orders offer, then in the end the Parliament will be totally dominated by the Executive. For that reason I support the motion moved by the member for Light.

Mr LEWIS (Murray-Mallee): On this occasion I rise to support the proposition before the House, namely, that the honourable Deputy Leader's explanation be accepted. The reason I put forward in this instance in support of the other reasons given by other members is that in explanation of your decision you said that it was the 'unseemly behaviour' or indeed 'demeanour' (or words to that effect) of the Deputy Leader that had caused you to name him, believing that his position, his stance, was aggressive and disrespectful.

That is a subjective judgment. Nowhere in the Deputy Leader's terminology were provocative or unparliamentary terms used to derogate from your authority or from your ruling, other than in the proposition which the Deputy Leader put to you. Again, it is within the province of the Deputy Leader, or of any other member in so moving such a motion, to use such terminology as they may choose to describe their reasons. In this instance, then, what you have done is subjectively decide that the way in which the Deputy Leader stands in this place to make remarks is unacceptable to you.

He did not gesticulate or make unseemly gestures of any kind whatsoever. He did not, as I recall quite clearly, having watched him during the whole of the course of his remarks, make any unpleasant move towards anybody; nor did he use terms which implied that. I put it to you, Sir, that what might be offensive in your opinion subjectively determined is not necessarily offensive to the rest of the world. What I might find offensive is not necessarily something that you would find offensive. For instance, I find it offensive and against Standing Orders in an explicit way that you allow the member for Newland to eat in the Chamber from time to time, and that you allow other honourable members to dispose themselves with their backs to you, Sir, in a way that Standing Orders do not allow. That is all to do with non-verbal disrespect to the Chair spelt out specifically in Standing Orders.

In this instance there was no breach of non-verbal behaviour as spelt out in Standing Orders of which the Deputy Leader was guilty. He simply sought to put in strong terms his view and indeed his inquiry. However, they were not disrespectful, and there is no specific reference to that fashion in Standing Orders. He is not wearing pink hot pants, and he is not doing anything that is offensive to me. He is not in pyjamas, as the Minister of Mines and Energy often is. I believe that in this instance, by your ruling and your decision to name the Deputy Leader, you have set a precedent which allows Speakers from this point forward subjectively to determine whether or not the way in which a member inclines his head, walks, carries his arms, stands in his place to speak, glances or looks around the Chamber, it could even involve one's tone of voice, or indeed does any other thing which might be construed to be an aggressive, non-verbal proposition or statement about their attitude to things, is so offensive as to name them for it. That indicates to me that we have reached a sorry pass in this House.

The Hon. B.C. EASTICK (Light): I do no more than draw attention to the fact that I believe that I have not yet had an answer to my point of order relative to Standing Order 164.

The Hon. E.R. Goldsworthy: There's no answer, Bruce.

The SPEAKER: Order!

The Hon. B.C. EASTICK: I would like quickly to draw attention to the unfortunate set of circumstances which has placed us in our present position. I take the point made by the Minister of Transport relative to the collective time that the honourable member for Eyre, the Minister and I spent in the Chair and of the importance of recognising the responsibilities involved. Let me say very clearly that the responsibilities are two-way: not only is there a responsibility of the membership to the Chair but also there is a responsibility of the Chair to the membership. In this particular circumstance (and this is why I suggest that it is an unfortunate set of circumstances), the Deputy Leader forwarded, as is required by Standing Orders, a dissension from the ruling of the Chair which the Chair read but never read to the House.

The Chair made a silent decision relative to the content of that document without asking the Deputy Leader to approach the Chair for the purpose of deciding whether there was perhaps a better way of putting the motion before the Chair. A decision of non-compliance with the request of the motion was expressed from the Chair, and this caused the chain of consequences which led us to the difference of opinion. The report will show that that set of circumstances is precisely the position that prevailed. Forget about the raised voice; forget about the banter one to another; and come back to the general and simple purpose that the Chair,

as it requires a responsibility from the membership, should offer a responsibility to the membership, and that was not accorded in this case.

The Deputy Leader sought to explain the circumstances in which he found himself, and that has led to the proposition now before the Chair. Quite apart from the emotional aspects which have been generated, and quite apart from the reality of the situation as the Minister of Transport sought to inject into the debate, I sincerely believe that two courses of action are open. One is for you, Sir, to accept, notwithstanding the lateness of the hour, the explanation which has been given by the Deputy Leader. The other alternative is for members of the House to solidly support the proposition that I have put to the House.

The House divided on the Hon. B.C. Eastick's motion:

Ayes (15)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick (teller), S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Olsen, and Oswald.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Payne, Peterson, Plunkett, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs Allison, Meier, and Wotton. Noes—Messrs Hemmings, Hopgood, and McRae.

Majority of 8 for the Noes.

Motion thus negatived.

The SPEAKER: Order! I call the House to order. I ask the member for Mawson to restrain herself.

An honourable member interjecting:

The SPEAKER: Order! In accordance with Standing Order 171, I now ask the Deputy Leader of the Opposition to withdraw.

The Hon. E.R. Goldsworthy: He found a Standing Order that upholds—

The SPEAKER: Order! I suggest that those members who are confused should read the exact procedure that is laid out in Standing Order 171, whereby the member concerned withdraws before any further motion is put concerning that member.

The Hon. E.R. Goldsworthy: You've found a Standing Order that—

The SPEAKER: Order!

The honourable member for Kavel having withdrawn from the Chamber:

The Hon. J.C. BANNON (Premier and Treasurer): I move:

That the member for Kavel be suspended from the service of the House.

The House divided on the motion:

Ayes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon (teller), Blevins, Crafter, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Robertson, Slater, and Tyler.

Noes (14)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick (teller), S.G. Evans, Gunn, Ingerson, Lewis, Olsen, and Oswald.

Pairs—Ayes—Messrs Hemmings, Hopgood, and McRae. Noes—Messrs Allison, Meier, and Wotton.

Majority of 10 for the Ayes.

Motion carried.

STATUTES AMENDMENT (CONSUMER CREDIT AND TRANSACTIONS) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1—After line 12 insert new clause as follows:

1a. *Commencement*—This Act will come into operation on a day to be fixed by proclamation.

No. 2. Page 1, lines 17 to 20 (clause 2)—Leave out subparagraph (i) of paragraph *(a)* and insert new subparagraph as follows:

(i) the principal exceeds $20 000;.

No. 3. Page 1, lines 24 to 27 (clause 2)—Leave out subparagraph (i) of paragraph *(b)* and insert new subparagraph as follows:

(i) the principal exceeds $20 000;.

No. 4. Page 2, lines 4 to 6 (clause 2)—Leave out paragraph *(c)* and insert new paragraph as follows:

(c) where the amount of the principal exceeds $30 000.

No. 5. Page 2, lines 10 to 14 (clause 3)—Leave out paragraph *(b)* and insert new paragraph as follows:

(b) under which the consideration to be paid or provided by or on behalf of the consumer in money or money's worth (excluding any credit charge) does not exceed $20 000;.

No. 6. Page 2, lines 20 to 25 (clause 3)—Leave out subparagraph (i) of paragraph *(a)* and insert new subparagraph as follows:

(i) under which the principal does not exceed $20 000;.

No. 7. Page 2, lines 31 to 36 (clause 3)—Leave out subparagraph (i) of paragraph *(b)* and insert new subpagraraph as follows:

(i) under which the principal does not exceed $30 000;.

No. 8. Page 3, lines 2 to 6 (clause 3)—Leave out subparagraph (i) of paragraph *(c)* and insert new subparagraph as follows:

(i) the amount of the principal exceeds $20 000;.

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendments be agreed to.

The amendments, which traverse ground that was alluded to during debate in this place, have now been the subject of further consideration in another place. The Government is pleased to accept the amendments moved by another place.

Mr S.J. BAKER: I am delighted that the Government has seen reason. We are pleased that the Government has accepted the principle that major areas of legislation, in this case the penalties, should not be changed by regulation. To that extent, later today we will be considering the Criminal Law (Enforcement of Fines) Bill in the same context, and I assume that the Government's decision will be the same. We concur in the motion.

Motion carried.

DEER KEEPERS BILL

Returned from the Legislative Council without amendment.

CREDIT UNIONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

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

The ACTING SPEAKER (Mr Duigan): Is leave granted?

Mr S.J. BAKER: No, Sir.

The ACTING SPEAKER: Leave is not granted. The Minister of Education.

The Hon. G.J. CRAFTER: Its purpose is to amend the Credit Unions Act 1976 to enable the Registrar of Credit Unions to register a change of name of a credit union. Over the years the Registrar has purported to register the change

of name of a number of credit unions. It is not clear that such a power in fact exists. This Bill inserts a clear power and rectifies the position in relation to credit unions which have purported to change their name. The provision is similar to that applying in the Building Societies Act. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 amends section 15 of the Act. The amendment requires the Registrar of Credit Unions to consider certain aspects of the proposed name of a credit union before registering the credit union, for example, whether the name is misleading as to the nature of the credit union or whether it is otherwise undesirable.

Clause 3 amends section 19 of the Act. The amendment enables a credit union to change its name by an alteration to its rules and requires the Registrar of Credit Unions to consider certain aspects of the proposed name before registering such an alteration. The clause ratifies any changes of name purportedly made before the commencement of the Bill.

Clause 4 repeals section 22 of the Act. The amended section 15 of the Act replaces the provisions of this section.

Clause 5 amends section 24 of the Act which requires a credit union to publish its name in a certain manner. The amendment requires a credit union's change of name to be published as the Registrar of Credit Unions directs.

Mr S.J. BAKER secured the adjournment of the debate.

RETIREMENT VILLAGES BILL

Received from the Legislative Council and read a first time.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

Members may be aware that this Bill was introduced into the Legislative Council late last year for the purposes of exposure to members of Parliament, the public and industry for submissions on its contents.

The Government has undertaken wide consultation with interested groups and as a result of these consultations a number of amendments were made to the original Bill during its passage through the other place.

The Government believes that the Bill as amended enjoys the support of the widely diverse groups that comprise the industry.

It is proposed at this stage that the Bill will commence on 1 July 1987.

The Bill is designed to implement the Government's electoral commitment to provide for security of tenure for persons who enter retirement villages and to provide for the on-going relationship between the administering authority and the residents of a village.

The following principles have been incorporated in the legislation:

1. No retirement village to be operated without a notification of the use on the certificate of title.

2. Before lodging any retirement village notice for endorsement on the certificate of title with respect to any future village, the owner or promoter of the village must notify each person who holds a mortgage, charge or encumbrance and that person must consent to the application. Those mortgages, charges or encumbrances will lose priority against later residents of the village. With respect to existing villages, residents rights to a refund of any in going contribution will be accorded priority over any mortgages, charges or encumbrances that may be subsequently created, but not over present mortgages, charges or encumbrances.

3. Certain persons are not to be involved in the administration of retirement villages namely, insolvents under administration and persons who have been convicted of certain offences, that is, fraud, dishonesty or offences to the person.

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

The ACTING SPEAKER: Is leave granted?

Mr LEWIS: No, Sir.

The ACTING SPEAKER: Leave is not granted. The Minister of Education.

The Hon. G.J. CRAFTER: The principles continue, as follows:

4. A resident is to be given full disclosure of the rights that will be granted pursuant to the residence contract and a 10 day cooling off period provided.

5. Provision is made for the resolution of disputes between the administering authority and the resident. The Bill provides for the Residential Tenancies Tribunal to have the authority to determine, in the event of there being a dispute, a resolution to the matter.

6. Provision is made for resident participation in the operation of the retirement village through the administering authority of the village being required each year to convene an annual meeting of the residents and present accounts for the previous financial year and estimates of recurrent charges for the next 12 months.

A wide exemption power is included in the Bill. The exemption policy will be exercised in a manner consistent with the commitment of the Government to meet the policy requirements as outlined in this legislation. For instance, a 12 month exemption will be given to religious and charitable groups receiving recurrent funding under the Aged & Disabled Persons Homes Act 1954 of the Commonwealth on the basis that within that period they put in place agreements which provide resident protection consonant with the protection in the Bill.

The legislation will apply to all retirement villages whether existing before or after the legislation comes into operation, however, the charging provisions could not reasonably be applied to retirement villages existing at the commencement date where this would be unreasonable because of existing financial arrangements. I commend the Bill to the House, and seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 provides for commencement.

Clause 3 defines words and expressions used in the Bill; most notably, 'administering authority', 'premium', 'recurrent charge', 'residence contract', 'resident', 'residential unit', 'retired person', 'retirement village', 'retirement village scheme', 'service contract' and 'strata retirement village'.

Clause 4 provides that the proposed Act will apply to retirement villages established before or after the commencement of the Act and also that the Act binds the Crown. Exemptions may be granted, however, and it will

be an offence not to comply with a condition of an exemption.

Clause 5 confers responsibility for the administration of the Act on the Corporate Affairs Commission.

Clause 6 relates to residence contracts, which must be in writing, and provides for certain 'cooling-off' rights. A prospective resident will be entitled to rescind the residence contract within ten business days (not including Saturdays, Sundays or public holidays) after the date of the contract or after receiving notice of this 'cooling-off' right. That notice should be given to a prospective resident before a contract is entered into, along with a copy of the residence rules of the retirement village and the checklist prescribed in Schedule 2.

Clause 7 provides that a resident's right of occupation in a retirement village cannot be terminated except if: the resident dies, terminates the residence contract or leaves the village; there is a breach of the residence contract or the residence rules; the village is no longer a suitable place of residence for the resident because of his or her mental or physical incapacity; or the mortgagee of the land becomes entitled to vacant possession (in the case of a mortgage in force at the time the Act comes into operation). Subclause (2) provides that termination of a right of occupancy (otherwise than by a mortgagee entitled to vacant possession) is subject to limitations or qualifications agreed to by the administering authority and the resident and to any rights of ownership that the resident may have. The Residential Tenancies Tribunal must confirm termination on the ground of breach of the residence contract or the residence rules or mental or physical incapacity and may make an order for ejectment of a resident who does not leave at the expiration of the period set by the tribunal. The administering authority is required to give notice of termination to the resident concerned and this notice must set out the resident's rights to a review by the tribunal. The tribunal is required to act expeditiously.

Clause 8 provides for the holding, in trust, of a premium paid by or on behalf of a prospective resident of a retirement village until the resident enters the retirement village or until it becomes apparent that he or she will not enter the village. Subclauses (2) and (3) provide for an exemption from this requirement on the application of the administering authority. Subclause (4) provides for repayment of premiums and subclause (5) provides for an offence and penalty of up to $20 000.

Clause 9 provides that a service contract entered into by a resident of a retirement village is enforceable against the administering authority for the time being of the village. Likewise, a premium that is repayable under a contract may be recovered from the administering authority for the time being of the village. Subclause (3) provides for cases where action may be taken against the owner of the land. The right of refund of a premium or part of a premium will be secured by a charge on the land in a retirement village, but this charge will not attach to property actually owned by a resident or to common property of strata unit-holders. The charge may be enforced but only with the approval of the Supreme Court.

Clause 10 provides that the administering authority may convene a meeting of residents at any time and requires the holding of annual meetings of residents. At such an annual meeting, the administering authority must present accounts of income and expenditure for the preceding financial year and estimates of income and expenditure for the coming year. The administering authority is required to allow residents to put questions at a meeting and must ensure that proper answers to such questions are given.

This clause also relates to increasing recurrent charges and imposing special levies on residents and provides that increases in charges must be justified by estimates presented at a meeting of residents and a special levy must be authorised by a special resolution passed at a meeting. If the administering authority of a retirement village fails to comply with this proposed section, a penalty of up to $10 000 may be imposed.

Clause 11 provides that any residence rules of a retirement village that are harsh or unconscionable will be void.

Clause 12 provides for the supply of copies of residence contracts, residence rules and statements in relation to premiums to the residents of a retirement village. If the administering authority of a retirement village fails to comply with this proposed section, a penalty of up to $2 000 may be imposed.

Clause 13 provides for the establishment, membership, functions and procedures of residents' committees at retirement villages.

Clause 14 provides for the resolution by the Residential Tenancies Tribunal of disputes at retirement villages. The tribunal may decline to consider a dispute if it considers that the dispute settling procedures under the regulations should be used.

Clause 15 provides that where land is used as a retirement village this fact must be noted on the certificate of title to the land. (Any subsequent purchaser or mortgagee of the land will thereby receive notice that the land is used as a retirement village and that the proposed Act applies to the land). In the case of land so used at the commencement of the proposed Act, the owner of the land must apply for endorsement of the title within three months after that commencement; otherwise, the application for endorsement must be made before any person is admitted to occupation in the retirement village. Before applying for this endorsement, the owner must contact the holders of existing mortgages, charges or encumbrances over the land and, in the case of a retirement village set up after the commencement of the the proposed Act, must obtain their consent to endorsement of the title to the land. A penalty of up to $10 000 may be imposed for failure to apply under this section for endorsement of the title to land.

Clause 16 provides for the use of land of a retirement village that is not required for the purposes of the village. The administering authority may grant a lease or licence in respect of such land (but the lessee or licensee will not become a resident of the village). Such a lease or licence may be for only two years unless the Corporate Affairs Commission authorises otherwise.

Clause 17 provides for termination of a retirement village scheme (while residents are still in occupation) with the approval of the Supreme Court.

Clause 18 prohibits certain persons from being concerned in the administration or management of a retirement village; namely, insolvent persons or persons convicted within a certain period of offences involving fraud or dishonesty or offences against the person.

Clause 19 provides that the Supreme Court may excuse inadvertent non-compliance with a provision of the proposed Act.

Clause 20 provides for appeals to the Supreme Court from the Residential Tenancies Tribunal on matters under the proposed Act.

Clause 21 prohibits 'contracting out' in relation to rights of residents under the proposed Act.

Clause 22 deals with offences against the proposed Act. The offences will be summary offences and may be prosecuted by the commission or a person authorised by the

commission. If a body corporate commits an offence, a director or manager of the body corporate may also be guilty of an offence.

Clause 23 provides for regulations to be made by the Governor. The regulations may, amongst other things, prescribe the means (including arbitration) by which disputes between residents or between residents and the administering authority may be resolved (apart from the proposed section 14).

Schedule 1 contains transitional provisions.

Schedule 2 provides for the form of a checklist to be supplied to prospective residents of a retirement village (see clause 6).

Mr S.J. BAKER secured the adjournment of the debate.

LIQUOR LICENSING ACT AMENDMENT BILL (1987)

Returned from the Legislative Council without amendment.

Mr S.J. BAKER: Mr Acting Speaker, I draw your attention to the member for Florey.

The DEPUTY SPEAKER: The member for Florey is out of order. He must either sit in the gallery or return to his seat.

CRIMINAL LAW (ENFORCEMENT OF FINES) BILL

Returned from the Legislative Council with the following amendments:

Page 4, lines 17 to 21 (clause 7)—Leave out subclauses (2) and (3).

Consideration in Committee.

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment be agreed to.

Mr S.J. BAKER: I am pleased that the Government has seen reason on this matter. As I pointed out in the second reading debate, it is important that the law does not get circumvented by legislation. This Bill allowed the monetary amounts that would reflect on gaol sentences to be changed by regulation, and I am pleased that the Government is now to leave that responsibility with the Parliament.

Motion carried.

FAIR TRADING BILL

The Legislative Council intimated that it had agreed to the recommendations of the conference.

PUBLIC FINANCE AND AUDIT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3, line 11 (clause 4)—Leave out 'public money' and insert 'money from the State'.

No. 2. Page 13, line 2 (clause 27)—After 'Commonwealth' insert 'or becomes a member of the Legislative Assembly of a Territory of the Commonwealth'.

No. 3. Page 13, line 41 (clause 32)—After 'publicly funded body' insert 'that relate to public money granted or lent to the body'.

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

That the Legislative Council's amendments be agreed to.

I am a little surprised that the impact of the amendments, in part, is to limit the power of the Auditor-General as a result of action by an Opposition which constantly talks about the Auditor-General's powers and authority, and I concur in many of those comments. However, the limitation is not substantial and certainly not to an extent that would inhibit the Auditor-General in making his appropriate inquiries.

I derive my authority for saying that from the Auditor-General himself. Having studied the implications of the amendments, he has advised that using the words 'publicly funded body', which appear in the third amendment listed, the first being dependent on the same point, does not inhibit the Auditor-General in any examination that he may be required to make. In those circumstances, the Government agrees to the Legislative Council's amendments.

The Hon. B.C. EASTICK: I am pleased that the Government has accepted the Legislative Council's amendments, although I do not necessarily take the line of argument that the Premier took. Indeed, I would rather say that, if it be shown subsequently that there is a limitation, the evidence should be brought back to Parliament where the matter can be corrected. At this juncture it is far better to be cautious than otherwise in relation to this matter. In one circumstance (the second of the three amendments), it relates to another set of circumstances and picks up a deficiency in the Bill as it passed from this place in respect of a person who was a member of a Legislative Assembly or Council in relation to a territory anywhere in association with Australia. The Opposition accepts the amendments from another place.

Motion carried.

PLANNING ACT AMENDMENT BILL (No. 1) (1987)

In Committee.

(Continued from 9 April. Page 4108.)

Clauses 2 and 3 passed.

Clause 4—'Amendments to the Development Plan.'

The Hon. JENNIFER CASHMORE: The Minister in charge of the Bill will be aware that the select committee unanimously recommended that all supplementary development plans must go to the Joint Committee on Subordinate Legislation, whereas the wording of new subsection (12) seems to indicate that the Minister 'may' (not 'shall') refer the plan to that committee. My understanding of the intention of legislation that is a requirement rather than an option is that the word 'shall' has always been used in respect of this requirement. As the select committee made its recommendation unanimously, I should have expected to see the word 'shall' in this new subsection to express the nature of the committee's recommendation and its requirement for referral. Will the Minister please explain why 'may' is used instead of 'shall'?

The Hon. LYNN ARNOLD: I am advised that new subsection (12) clearly allows two options. In the first part, the action of approving a supplementary plan also entails the possibility that a plan may not be approved and, if it is not approved, the plan does not proceed. New subsection (13) provides that, if the Joint Committee on Subordinate Legislation approves a plan, the Minister may refer such a plan to the Governor. I am advised that it may not be referred to the Governor unless it has been approved by the committee.

The Hon. JENNIFER CASHMORE: The Minister has dealt with two aspects: whether the plan goes to the Minister in the first place and whether, having been approved by the committee, it goes to the Governor. However, I do not

believe that he has dealt with the crucial issue: namely, that the select committee recommended that all supplementary development plans must be referred by the Minister to the Joint Committee on Subordinate Legislation whereas, notwithstanding the words preceding the phrase and the words following it, new subsection (12) clearly provides that the Minister may refer the plan to the Joint Committee on Subordinate Legislation. I cannot see that anything preceding or following that in any way overcomes the apparent lack of requirement inherent in the word 'may' used instead of the word 'shall'. If I have missed something, will the Minister please explain what I have missed?

The Hon. LYNN ARNOLD: I am advised that clause 4 provides for only two ways in which a plan can get to the Governor. The first of these, under new subsection (13), is that, if the committee approves the plan, the Minister may refer it to the Governor. The second of these is contained in new subsection (17), which provides:

> If—
> *(a)* the Committee resolves not to approve the plan; but
> *(b)* neither House of Parliament resolves, within six sitting days after the date of the copy of the plan being laid before the House, to disallow the plan,
> the Minister may refer the plan to the Governor.

My advice is that it is only by those two options that it may get to the Governor. In both cases it involves having to go through the committee. I repeat the advice that I have obtained: new subsection (12) simply refers only to those plans that do not ever get initial approval to proceed, in which case they are dead issues anyway. They could go to the committee, I suppose, but they would go to the committee for no purpose, because they would not proceed beyond that point. That may not answer the honourable member's question, but that is my understanding and it is the advice that I have received.

Ms GAYLER: On the same matter, in relation to section 41 (13) of the principal Act, can the Minister say whether the words 'the supplementary development plan shall not be referred to the Governor unless the plan has been referred to the Joint Committee on Subordinate Legislation' make that particular point clear?

The Hon. LYNN ARNOLD: Subsection (13) is struck out by this Bill and replaced by new subsection (13).

The Hon. JENNIFER CASHMORE: Although the Minister has somewhat elaborated on this matter, in my opinion he still has not addressed the critical question. If the committee approves the plan, obviously that is clear enough, but the plan has to have been referred to the committee in the first place. There is nothing that I can see in this Bill or the Act which states, in accordance with the select committee's recommendations, that the Minister must refer the plan to the Joint Committee on Subordinate Legislation. Why is new subsection (12) not expressed in the customary positive manner in which such things are normally expressed in Bills that come before this House? If there is a requirement for a Minister to refer something somewhere, the words normally used are 'The Minister shall refer X, Y or Z.' Why has the custom not been followed in this case and why is an element of doubt implied by the word 'may'?

It is important that this is understood because, as the Bill reads at the moment, not only to a layperson but also to a lawyer, it does not express the precise recommendation of the select committee. I have received legal advice from a lawyer, who is far more knowledgeable on these matters than I am. My attention was drawn to the fact that this clause does not express the precise recommendation of the select committee. Why is the word 'may' used instead of the word 'shall' and where else, in the Bill or in the Act, is there a statutory expression of an absolute requirement for the Minister to refer the supplementary development plan to the Joint Committee on Subordinate Legislation?

The Hon. LYNN ARNOLD: It is quite clear that this section has built into it a discretion on the part of the Minister not to proceed with a plan but, if a plan is proceeded with, I repeat the advice I have is that it must, either by new subsection (12) or by a subsequent subsection of section 41, proceed through the committee. The select committee's report states:

> Where the Minister has approved a supplementary development plan under subsection (11b) the Minister may refer the plan the Joint Committee on Subordinate Legislation.

That is the recommendation. As I understood the honourable member, she suggested that the select committee proposed something different to what the select committee report I have tells me it said.

Mr M.J. EVANS: I think that part of the difficulty the Committee has with this clause is the fact that the Minister is given a double discretion: first, he is given the discretion as to whether he approves the supplementary development plan; and, secondly, he is then given a further discretion, having approved it, as to whether he wishes to proceed further with it. I cannot really conceive of circumstances under which the Minister would first approve a plan and then decide not to proceed with it but, if he did that, the plan would still lapse, because he would not have followed the statutory procedure of referring it to the committee.

The only problem I can see with the drafting of new subsection (12) is the fact that the Minister is given a double discretion to in fact not proceed at two places in the system. First, he may refuse the plan altogether, in which case it dies; secondly, he may approve the plan and then decide not to proceed further. I cannot imagine why he would do that, because it seems logically inconsistent, but the legislation gives him that double right of veto. If ever it is to proceed, it must proceed through the committee. I think that point is clear in the drafting, even though the use of the double veto power is confusing, as the member for Coles has found.

The point about this clause which concerns me more, and to which I foreshadowed some amendment last week, relates to the way in which Parliament may act on plans of which the committee does not approve. I think that that is a far more contentious matter, because here we are dealing in, say, new subsection (17) with the situation where the Subordinate Legislation Committee has decided to refuse approval for a plan and has in fact taken that decision on advice and on consideration. Of course, Parliament is then given only a very limited time in which to actually put that disallowance into effect. Originally, I considered that it may be necessary to amend this clause but, on further discussion, I believe that the Bill merits the urgent consideration of the House, because of other clauses in the Bill.

I am persuaded also that the Subordinate Legislation Committee will have adequate power to put its case before the House, so really, in that context, I would simply like an assurance from the Minister that, if in fact we have that rather unique situation where the committee has actually resolved to refuse a plan which the Minister has recommended to it, the business of the House would be expedited such as to allow that resolution from the committee, which would necessarily implicitly have to be supported by a majority of that committee, to be considered by the House in time for the six days not to have elapsed and therefore allow the plan to be approved, notwithstanding the objection of the committee.

Unfortunately, the proceedings are such that plans are heavily favoured, and that is quite appropriate given the long processes they have been through, but provided that

the Government is prepared to give an assurance that it will allow that committee resolution to be expedited before the House so that the six days does not catch us unawares, I am happy to support the clause as it is.

The Hon. LYNN ARNOLD: I thank the honourable member for his comments and I indicate that the Minister whose Bill this is, and on whose behalf I am handling it, has indicated to me that he will certainly examine those comments made by the honourable member and he will ensure that, if difficulties arise, as are mentioned by the member for Elizabeth, then he will certainly investigate in what way further action might be necessary. Of course, that also leaves open the possibility that the honourable member himself, if at a subsequent time he determines in his opinion the matter is not proceeding as well as could be, could introduce private member's legislation. That matter would be further considered by the Minister for Environment and Planning.

I already had some understanding of the matters that the member for Elizabeth was going to raise and I had sought the opinion of the Minister for Environment and Planning. It is his belief that the amendments proposed would not have directly addressed those questions, but that matter could be further looked at if necessary.

Returning to the other matter upon which the member for Elizabeth also commented, I thank him for his comments. The select committee report has attached the draft Bill, which is a draft Bill approved by the select committee and therefore that wording is approved by the select committee. The member for Coles came to me a minute ago and said that that is the draft Bill but not the report, and I accept that. The report is another matter supported by the select committee and on page 11 it says that section 41 of the Planning Act be amended so as to *(a)* require referral of all further supplementary development plans. I acknowledge that it says that.

I believe that, in the text above that, it is clearly referring to all SDPs that have in fact been approved by the Minister for further proceedings, and that it would not anticipate having to do the work, or referral to the joint committee for any SDP that is about to be not approved. The third paragraph on page 11 states:

> The committee concluded that it is appropriate for the Parliament to be given the task of examining SDPs—

and I think that the next part is significant—

> and to determine whether suitable recognition is given to the 'existing use' question.

So, the Parliament has been given the invitation, if an SDP is going to proceed—which is the implicit part of that sentence—to examine whether in proceeding it gives suitable recognition to the existing use question. If it is not proceeding, then as a question that is academic. I think the rest of that paragraph tends to have the same implication.

However, I will certainly ask the Minister to closely examine that matter. I simply repeat the advice that I have given, namely, that my understanding is that the wording that has been built into the Act, which itself was recommended by the select committee in the draft Bill appended to the report, does in fact give the protections that the honourable member, essentially, I think is seeking.

Clause passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 April. Page 4110.)

The Hon. JENNIFER CASHMORE (Coles): This is an extremely contentious Bill, and one that has aroused considerable concern, particularly throughout country areas of South Australia. The hospitals established over the years in South Australian country areas have been established largely at the behest of local communities and largely as a result of funds raised, in the first instance and very often in the last century, by local communities. In other words, there is a very deep seated basis of control of those hospitals by the local communities. Quite obviously, over the years, as more and more taxpayers' money has had to be used in the running of these hospitals there has been an acceptance of the need for accountability by local boards, along with a recognition that local communities with special needs have a right to have a say in their own health destiny. No-one has suggested that they should have the whole say or total control over funds, but everyone believes that local boards, elected by local people, with, appropriately, some input from Government, should have a measure of control over these hospitals.

This Bill proposes virtually to remove the last vestiges of control over every matter other than matters of relatively trivial import—matters such as parking in hospital grounds, and by-laws of that nature. It removes those vestiges of control and puts all control in the hands of a central body, that is, the South Australian Health Commission. That is not what was envisaged in the mid 1970s when the Health Commission was established. It was certainly not what was in the mind of Sir Charles Bright when he headed the Committee of Inquiry into Hospitals in South Australia. Anyone who has read the report of that committee would be well aware that the main thrust of the recommendations was to decentralise power. In fact, the very purpose of establishing the commission was to get away from the Hospitals Department model, where all power was centralised in a single authority, to devolve power out from the centre into the places where health services were delivered and to give people a chance to influence those services and to influence the expenditure of money.

The Liberal Party has no quarrel whatsoever with the notion of global budgets. In fact, that proposition was developed under the Liberal Government and during my tenure as Minister of Health. The country hospital boards in in South Australia worked very happily within that concept. They knew that there was a limit on the funds that they could spend and that they had the responsibility to determine their expenditure within that limit. They accepted and, in my opinion, very ably shouldered that responsibility. They worked with some sense of *esprit de corps* and some sense of purpose. What is happening now is going a long way towards destroying that sense of *esprit de corps* and purpose.

I have visited the country for other reasons since this legislation was introduced, and I have been very much concerned by the degree of opposition to the Bill which is evident among country people. When people will come up to one as shadow Minister of Tourism and Environment and Planning and speak of nothing else but the local hospital, then I think the Government should recognise that there is a level of concern.

The structure of the Health Commission since the present Government came to office has been progressively, and subtly, altered: but this proposition is not in the least bit subtle. It is quite direct. It proposes to virtually put all power in the hands of the Health Commission. I really believe that, whatever our philosophical differences on power might be, there is no difference in the view of both major Parties that we want to upgrade the quality of health service

delivery and provide the best possible services to the greatest possible number of people in real need. Our view is that to achieve that one must provide an incentive for people to work together and to use the resources in the very best and most cost efficient manner possible. This Bill, I believe, will not result in that.

The issues that relate to this centralisation of power have been canvassed extensively in another place. One issue that I do not believe has been referred to concerns the costs that will result from union activity—which will result in demarcation disputes and which in turn will cost the community money. I refer to the ramifications from the fact that as things stand at the moment employees of unincorporated hospitals are employees of the board. One would find throughout this State that in relatively small communities there might be one person undertaking the role of, let us say, groundsman, perhaps doing some cleaning, possibly a bit of repair work and maybe a bit of plumbing—in other words, a handyman undertaking all kinds of work, with the same thing, of course, applying to female staff.

I have no doubt that upon enforced incorporation of hospitals, and under this new system that the Government proposes, there will be greater union activity which will insist that these tasks be undertaken by separate people belonging to appropriate unions. That will inevitably lead to further costs. I do not propose to canvass the many other issues related to this matter, because they have been dealt with at length by my colleagues. I simply say that the Bill as it comes to this House, because of amendments that have been made by my colleagues in another place, is an improvement on the Bill that was introduced into the other place.

I warn the Government that if it removes all power and responsibility from people at the local level who know what local communities need by way of health services there will be a downgrading of service, and none of us wants to see that. I believe that the Government is going about this matter in the wrong way. It is developing a structure that will deprive people of a sense of purpose and responsibility. It has aroused considerable resentment in country communities, I think that it will serve no useful purpose and will, in fact, have an adverse affect on the delivery of health care in South Australia.

Mr MEIER (Goyder): I did not believe that I would ever see a Bill like this introduced in this House because it includes, among other things, a provision enabling the commission to direct a hospital or health centre where it is the commission's opinion that the body has failed in a particular instance to properly exercise and perform the responsibility and functions for which it was established; in other words, that specific direction can be given to boards, so they are nothing more than a rubber stamp.

Secondly, where a board has contravened or failed to comply with the Act or its constitution, or has consistently failed to exercise its responsibilities and functions, the Governor may by proclamation remove all members from office and appoint an administrator. That reinforces the point that hospital boards, under the new Bill, are definitely no more than rubber stamps and can be wiped out with the stroke of a pen. Although I appreciate that that is not the central part of this Bill, is it not often the case that the Government brings in these types of regulations in a Bill that outwardly appears to have many positive characteristics? I am disappointed that the Government has seen fit to sneak these sorts of things in and to give boards overriding authority that we as South Australians do not want.

One of the other contentious issues in the Bill is that involving false incorporation. One sees from the second reading speech that some 30 hospitals currently are not incorporated under the Act. As the Minister has pointed out, they are currently incorporated under the Associations Incorporation Act.

The Minister is seeking to make them incorporate compulsorily. Why should that occur when these hospitals have been given an option of whether or not they want to incorporate? They are required under the present Hospitals Act to be accountable for moneys, so I do not think one can use that as an argument. I will tell honourable members why they are to be forcibly incorporated—it is so that the Minister of Health has absolute authority over hospitals. It is the authority that he has been looking for ever since he became Minister of Health. South Australians realise that he wants that power. It is a tragedy that we have reached the stage where the Minister is insisting on that power being given to him.

Incorporation will remove further freedom and initiative from individual hospitals. Of course, this will affect first and foremost hospitals in the country. It seems to me that people who are running the hospitals, people who have been involved in fundraising for those hospitals, and most importantly the patients who use those hospitals, are being given secondary consideration, because ultimately the purpose of this incorporation is that funds can be limited. They could be increased, but at this time in our dismal economic climate in Australia and South Australia they will be limited. This gives the Minister more power to enact such provisions and attract less flak.

These are my three main concerns about this Bill. It is time that South Australians and Australians took stock of themselves and stopped being subjected to total Government jurisdiction. One can say that there are other areas where the Government has great influence, but in the hospitals area (in the country, anyway) local boards have been able to have a fair amount of say and to decide whether or not they wanted to be incorporated. Unfortunately, due to the Medicare fiasco (and we are all experiencing the fiasco that is coming out of Medicare), funding has gone astray.

Do members recall the Federal Minister of Health, when he introduced Medicare saying, 'I can promise you the rate will never go up from 1 per cent, and anyone who says otherwise is talking a lot of nonsense'? Of course, the rate has increased since then, and I believe that it is not even covering present costs. Because of that many country hospitals have been placed in a less tenable position, and that is unfortunate. Their autonomy is being restricted so that all country areas will virtually be told what services they can and cannot have.

Members should remember the debate on obstetrics a few months ago. There was a huge outcry when a report was released indicating that obstetric services in many country hospitals would be curtailed. As a result of that outcry the Minister backed down and said, 'That is not true; we are not advocating that at all!' It would be very easy for anyone with an ounce of intelligence to know that this Bill will allow the Minister to come in through the Health Commission and say that such and such a hospital has not got the money for obstetric services or, 'We do not believe you are running it correctly.' There will be power of veto, and such a hospital will be closed down.

That is the backdoor method by which the Minister can close down obstetric services if he wishes to do so. Will the Minister point out to me any avenues of appeal open to a board or other hospital administrator against directives from the Health Commission or the Minister? I suggest that there are no such avenues of appeal. Country areas will be disadvantaged. One could mention other areas that may well

be affected in future. What a shame this is, when country people are having a hard time and are looking for increased services because of the many problems that they are facing. Although transport costs have increased and the condition of roads has deteriorated so that travelling has become less comfortable, we see this Bill seeking to centralise power more and more, with less and less thought being given to the decentralised health services that currently exist.

The ironical part of this Bill is highlighted in the early part of the Minister's second reading explanation, where he says:

> The purpose of this Bill is to make a number of significant changes to the legislative framework within which the South Australian Health Commission and the health services operate.

However, I put to you, Mr Deputy Speaker, that very little consultation has occurred with regard to these significant changes—and I agree that they are significant changes—because the reaction that has come back, not only to me but also to the shadow Minister of Health and to other members of Parliament, is that there has been no consultation with so many of the hospital authorities. I would like to hear the Minister say which hospitals in the electorate of Goyder were consulted; there are nine altogether. Surely, in relation to any major changes there would have been a representative reaction—

Mr Lewis interjecting:

Mr MEIER: The member for Murray-Mallee says that he knows that there were no consultations with the hospitals in Murray-Mallee—and how many hospitals are there in Murray-Mallee?

Mr Lewis: Lots.

Mr MEIER: If that is true, it simply adds weight to the argument that no consultation of any consequence occurred in country areas. The Minister has a jolly hide bringing this Bill into the House, especially at this late stage.

An honourable member: It shows his arrogance.

Mr MEIER: It shows his arrogance, but do we not all know the arrogance of the Minister of Health! The Minister has pointed out that there have been some recent reviews, and he referred to three: one chaired (I assume) by Mr Ian Bidmeade, another chaired by Mr Ken Taeuber, and the third by Mr John Uhrig. Certainly, the second reading explanation alludes to some of the points at which they looked, but that does not detract from my argument regarding what representation was made to country hospitals; to what extent they were consulted; and to what extent their views were considered? From inquiries I have made and from the comments which have come back to me, it appears that it was little or nothing.

Mr Lewis: Because they don't vote Labor; nothing!

Mr MEIER: The member for Murray-Mallee interjects and says, 'Because they don't vote Labor.' Unfortunately that could well have something to do with the whole argument in relation to this Bill: politics have come into this; and the Minister clearly sees that there are no votes for the Labor Party in the rural areas.

Mr Lewis: You can promise him this: he'll have less next time.

Mr MEIER: My word, there will be fewer votes at the next election! In fact, he will see the city electorate—

Members interjecting:

The DEPUTY SPEAKER: Order! The honourable member is getting too much help.

Mr MEIER: I do not mind the help, because I think that this Bill is a disaster for the country areas of South Australia, let alone the city areas, and it is simply trying to camouflage some of the inadequacies in South Australia's health arena. To a large extent it refers back to the Federal health arena and the Medifiasco, or whatever they call it—Medicare or Medibunkum! The Federal Government is responsible.

This Bill is trying to give the Minister, as I pointed out earlier, so much extra power. It is time that Australians were allowed to get some of the private enterprise and some of the get-up-and-go initiative back into their system. This Government—be it at Federal or State level—has been taking that initiative away from South Australians and Australians. The Government is trying to control more and more, which is helping to cripple this country. The economic situation speaks for that without any argument being needed.

We have seen some changes to this Bill from when it was originally introduced but, unfortunately, those changes do not wash with me. The Hon. Mr Elliott in another place decided that he would try to modify the Bill so that it was more acceptable to country residents. I suggest to the Hon. Mr Elliott that country residents would wish to refute and have nothing to do with his amendments at all, because all he has done is say—

The DEPUTY SPEAKER: I remind the honourable member—and I am sure that he is aware of this—that he must not refer to the debate in another place.

An honourable member: It wasn't debate in this place; it was a public statement.

The DEPUTY SPEAKER: Order!

Mr MEIER: If I remember correctly, it was in relation to public statements. In any event, I will not refer to debate in another place. The Bill currently seeks to incorporate hospitals through regulation so that the regulations can be laid before both Houses of Parliament for 14 sitting days. Originally, the Bill stipulated that the Minister or the Health Commission would have the power to incorporate without any reference to Parliament. However, the trouble is that reference to regulations does not help one iota unless a mechanism can definitely be guaranteed to stop those regulations going through—and who could trust the Democrats? I know the Labor Party cannot trust them: I know the Liberal Party cannot trust them.

An honourable member: They can't even trust themselves.

Mr MEIER: This is so. They probably cannot trust themselves. Unfortunately, when the Democrats are sitting on the fence they do not know which way to jump. Invariably, they will jump in the direction of the last person who speaks to them, and it seems the last person who spoke to them on the Health Bill must have been from the Government—so the Opposition lost out. Whilst the Democrats tried to put in some modification which they thought might please both sides, I believe that they are not pleasing either side. They are certainly not pleasing the Opposition. This has done nothing to detract from the inequity of the Bill in forcing incorporation on hospitals.

Mr Lewis: Which is an iniquity!

Mr MEIER: Yes, it is. In fact, it simply shows the lack of responsibility of the Democrats—that such an amendment would have been inserted. It is time for the Government to endeavour to take a completely opposite view as to what should be happening with the health system. Rather than trying to centralise it and to be the dictator to all hospitals—which will lead to greater inefficiencies—the Government should be giving extra powers to the hospitals and providing them with global budgets, if we can call them that, so that the hospitals can work within their own limitations and make decisions for themselves, rather than having the decisions foisted upon them.

In that way, there will be greater incentive for each individual to do his or her best, because he or she will know that they are directly responsible to the immediate board of

directors rather than to that far away Health Commission. I believe that the Government in due course will see the folly of its actions. The Opposition will certainly come out with a policy heading in this direction, namely, of greater decentralised power for hospitals. Quite possibly, the Government will in future see the wisdom of such moves and will pinch—as they have done with privatisation or commercialisation—the superior views of the Opposition.

Mr Lewis: They might get back to commercialising hospitals eventually.

Mr MEIER: Certainly, that would not be a bad move. In fact, I believe that the Government is already considering the sale of some hospitals. To what extent has that been implemented? I think it has already happened that and a couple of hospitals have been sold or, at least, it is on the cards. So, it is not as though it is a new concept. Unfortunately, this Government is being dictated to by a Minister of Health who is determined to be the emperor of his own kingdom.

I can inform the House that each and every country hospital in Goyder does not want to be a part of that kingdom because their rights, responsibilities and privileges will be taken away and they will be no more than slaves. Of course, the assets of the hospitals must not be forgotten. Those assets will be forcibly taken away from the hospitals, through this Bill, so all the money that local communities have raised for their hospitals over the years will be sapped up by the Government, and local communities will be a lot worse off. I appeal to every member of the House to oppose the Bill because its clauses are very unsatisfactory.

Mr D.S. BAKER (Victoria): There is no doubt that this Bill gives the Minister of Health unprecedented powers. I strongly oppose it, as do all my colleagues on this side of the House. The Bill gives the Minister of Health power to demolish the hospital board system and replace it with area boards, and the Minister has openly stated that that is his intention. I believe that that constitutes an outrageous attack on the remaining autonomy of non-government hospitals in South Australia. It is appalling that the Minister of Health has so hastily introduced this Bill in the last few days of this session.

The Minister has had no effective consultation with the people affected, let alone the people who are affected under schedule 3. In fact, many of the hospitals that I have contacted—not only in my electorate but also in other electorates—have had no correspondence whatsoever from the Health Commission or from the Minister on this matter. This is typical of the paranoia of the Minister, and it is affecting the independence of the hospital boards which run all non-government hospitals in this State. The Minister's one aim seems to be to grab these hospitals and put them in this bureaucratic ocean which he calls the Health Commission. I am afraid that by doing that and by replacing the boards and executive officers with bureaucrats (who in most cases have had virtually no experience in running hospitals) the cost structure of non-government hospitals in this State will be severely affected.

Three hundred people sit up in the bureaucracy called the Health Commission, and very few of them have had any experience at all in running a health service of any kind. Those people will be in charge of running these non-government hospitals, and that will do nothing for their efficiency. I refer to a letter that I and many of my colleagues have received. It describes, in relation to this Bill, the dismay of people who serve on hospital boards, as follows:

> My board wishes to express its opposition to and its dismay and distress at the amendment Bill with consequent compulsory and arbitrary 'acquisition' of its community-initiated hospital.
>
> Generally it would appear that these amendments will allow total control of the health system without any form of guaranteed appeal or grievance mechanisms.
>
> It would appear from the legislation that the Minister intends to have total control of the health system from the Health Commission to the individual health units, which would result in the loss of autonomy to local boards of management, and they also would lose the ability to respond to the needs of their communities.

Only this week I was most interested to attend the farewell of one of the most prominent secretary/managers of a South Australian non-government hospital. He has been the secretary/manager of a hospital for some 13 years. Many past and present board members described in very glowing terms his contribution to the hospital and to the hospital system generally. In accepting those compliments, the gentleman to whom I refer stated quite clearly that in his time the autonomy of hospital boards and his effective role in managing the hospital were gradually being whittled away. This Bill to amend the Health Commission Act was in effect the final event which forced him to retire from the system. This man is not of retiring age; he is retiring at a relatively young age. To lose the best people we have in hospital management in this State because the Minister of Health wants to take away the remaining autonomy of non-government hospitals is a tragedy for the health system. That is something that should be roundly condemned in every non-government hospital in this State.

In the past, non-government hospitals, particularly those in the country, have had a unique management structure. For many years they have been run far more cheaply than similar, or even larger, Government hospitals, and there have been many reasons for this. One reason is that non-government hospital boards are elected by the community. They serve the community in a voluntary capacity, giving their time free of charge to the hospital. The district support for all non-government hospitals must be applauded. The donations and bequests from people in the district go a long way towards helping non-government hospitals to defray much of their building costs.

I think it is generally accepted that, if people work as a close-knit community, the viability of the local hospital must be enhanced. Many country hospitals have become district health centres. Instead of having services such as Meals on Wheels and domiciliary care operated by various committees, they are provided by the hospital. The autonomy enjoyed by hospital boards and hospital managers has gone a long way towards the greater efficiency and cost effectiveness of those services compared with any Government controlled body.

In the past, hospital boards had the power to hire and fire all staff; they have had the power to dictate staffing levels; and they have had the explicit power to direct expenditure at all levels of management. We now see the Minister's hatred for the notion of private enterprise becoming involved in this area. He intends to centralise the system and I think take away this autonomy from local hospital boards, which will severely affect the cost structure of all non-government hospitals. We have only to look at the Minister of Education's financially disastrous step into decentralisation or regionalisation, which was very similar to what the Minister of Health now wants to do. One has only to look at what this fallacious saving has cost the Education Department. We were told that regionalisation in education would save some $1.5 million, but what happened? To date, regionalisation has cost the Education Department some $6 million. Now what happens? We are faced with severe cuts in education expenditure which will

react adversely on disadvantaged people in country schools, as we have witnessed recently with the publicity given to the situation of the headmaster of the Padthaway school.

Mr Lewis: What about the mental health of the children?

Mr D.S. BAKER: This Minister of Health would affect the mental health of anyone who had to work with him. Let us look at the financial results of some non-government hospitals compared to those of Government hospitals. The Minister is trying to hijack this efficient system into his Government hospital system, which has a proven inefficient track record of high costs. I shall quote from three hospitals in the South-East with which I have had some experience, in order to show the difference between a hospital board that is elected and run by the community and a board which, run totally by the Government and the Minister, has no autonomy whatsoever.

In the case of the Mount Gambier Hospital, which is a Government hospital, the Minister totally controls all levels of management. He appoints the board, which is under his direction, and he tries to dismiss members at will. The Mount Gambier Hospital has a bed capacity of 146 beds, and about 50 kilometres away two non-government hospitals, at Millicent and Naracoorte, have between them 143 beds. Many similarities exist between the Mount Gambier Hospital and the Millicent and Naracoorte Hospitals, one being the availability of similar specialist services in each town.

Mr Lewis: Until the Minister gets to them.

Mr D.S. BAKER: Until we get to the neonatal problems, to which I shall refer. The occupied bed days at the Mount Gambier Hospital compare favourably with the combined total of Millicent and Naracoorte, and the percentage bed occupancy at Mount Gambier is similar to that of the other two hospitals. However, we must compare the cost per bed day of running each of those hospitals. I do not care what the Minister says about this aspect: the cost per bed day of running a hospital is similar to that of running a motel or any other institution. Indeed, the cost per bed day reflects the efficiency of the organisation involved. In that respect, the cost per bed day of the Mount Gambier Hospital (a Government hospital) is $268 of taxpayers' money, whereas the cost per bed day of the Naracoorte Hospital, which is a non-Government hospital, is $160 a day (over $100 a day less than the cost at Mount Gambier) and the cost per bed day at Millicent is $128 (about $140 a day less).

One can understand why the Minister is trying to grab these non-government hospitals into his system: they are running efficiently and constitute only a small drain on taxpayers' funds. The reason for their efficient running is that all the decisions are made at district level and the boards are elected at district level. In other words, the community is totally behind the management of each hospital and supports everything that goes on, because the local people feel that they are part of the non-government hospital system.

I can show from this table that all of the 30 hospitals on schedule 3 that are being grabbed into the bureaucratic hospital system have a lower per bed day cost to the taxpayer than that of the Government hospitals. I seek leave to have this table inserted in *Hansard* without my reading it.

The DEPUTY SPEAKER: If the honourable member can assure me that the table is of a statistical nature.

Mr D.S. BAKER: After what has happened today, Mr Deputy Speaker, I can assure you that I would not disagree with any ruling that you made.

Leave granted.

S.A. HEALTH COMMISSION—STATEMENT No. 12

ACTIVITY STATISTICS—1984/85 & 1985/86

RECOGNISED HOSPITALS

	Commonwealth Approved Bed Capacity		Daily Average Available Bed Numbers		Patients Admitted		Occupied Bed Days: Fee Paying		Occupied Bed Days: Non-Fee Paying		Occupied Bed Days: Total		% Bed Occupancy		Average Length of Stay		Non-Inpatient Attendances		Staff to Patient Ratio		Adjusted Daily Average Cost Per Bed Day	
	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86
																					$	$
Recognised Hospitals																						
Teaching:																						
Adelaide Childrens	250	215	216.9	215.0	16 019	15 963	12 520	12 705	50 722	46 572	63 242	59 277	79.9	75.5	3.9	3.7	138 891	142 062	7.59	8.20	411.46	454.91
Flinders Medical Centre	513	513	495.6	508.2	31 586	33 077	39 919	46 867	123 041	120 451	162 960	167 318	90.1	90.2	5.2	5.1	208 807	256 121	4.71	4.87	312.31	327.97
Queen Elizabeth	702	598	610.3	581.1	33 924	33 700	25 753	28 671	158 443	151 879	184 196	180 550	82.7	85.1	5.4	5.4	247 760	241 103	4.96	5.23	298.54	329.04
Queen Victoria	181	171	170.9	171.0	9 459	9 607	27 644	27 951	23 183	24 055	50 847	52 006	81.5	83.3	5.4	5.4	36 362	35 344	4.01	4.02	277.59	295.34
Royal Adelaide	1 058	1 048	1 037.8	1 029.6	42 506	42 816	50 484	65 384	268 968	249 322	319 452	314 706	84.3	83.7	7.5	7.4	337 512	343 764	4.10	4.34	259.71	285.62
Total Teaching	2 704	2 545	2 531.5	2 504.9	133 494	135 163	156 340	181 578	624 357	592 279	780 697	773 857	84.5	84.6	5.8	5.7	969 332	1 018 394	4.71	4.96	295.56	321.36
Non-Teaching—Metro:																						
Kalyra	65	69	69.0	66.4	1 180	1 333	2 314	2 234	17 873	17 624	20 187	19 858	80.2	81.9	17.1	14.9	0	0	1.96	2.00	140.40	149.35
Lyell McEwin	184	180	179.9	180.0	11 227	10 719	8 597	10 772	43 415	36 278	52 012	47 050	79.2	71.6	4.6	4.4	71 943	67 356	3.75	4.49	222.33	274.01
Modbury	228	228	222.6	225.0	11 571	11 431	12 629	13 386	51 145	48 185	63 774	61 571	78.5	75.0	5.5	5.4	105 110	99 985	4.10	4.42	243.96	274.36
St. Anthony's	32	32	32.0	18.7	420	163	0	0	8 552	3 002	8 552	3 002	73.2	44.0	20.4	18.4	0	1 531	1.24	3.59	95.23	234.77
St. Margaret's	48	48	48.0	46.3	1 186	1 155	532	343	14 673	14 197	15 205	14 540	86.8	86.0	12.8	12.6	0	0	1.06	1.03	75.53	84.68
Torrens House	15	20	20.0	20.0	775	823	0	30	1 875	1 912	1 875	1 942	25.7	26.6	2.4	2.4	1 178	1 473	10.92	7.99	774.17	404.02
Total Non-Teaching—Metro	572	577	571.5	556.4	26 359	25 624	24 072	26 765	137 533	121 198	161 605	147 963	77.5	72.9	6.1	5.8	178 231	170 345	3.36	3.81	213.14	247.25
Non-Teaching—Country:																						
Andamooka	4	4	4.0	4.0	31	35	0	3	34	32	34	35	2.3	2.4	1.1	1.0	3 319	3 730	0	0	99.48	105.11
Angaston	52	52	52.0	52.0	1 310	1 426	4 611	4 724	6 868	6 138	11 479	10 862	60.5	57.2	8.8	7.6	138	112	1.67	1.77	110.92	131.64
Balaklava	39	39	30.0	30.0	795	972	5 388	4 683	2 479	3 377	7 867	8 060	71.8	73.6	9.9	8.3	2 136	2 188	1.50	1.52	108.65	120.28
Barmera District	40	40	40.0	40.0	1 573	1 625	5 584	3 860	5 591	5 684	11 175	9 544	76.5	65.4	7.1	5.9	0	0	2.14	2.39	169.31	209.97
Berri District	36	36	30.1	30.1	1 424	1 410	2 659	2 511	3 430	4 428	6 089	6 939	55.4	63.2	4.3	4.9	0	0	2.63	2.36	225.97	219.99
Bishop Kirkby	6	6	6.0	6.0	16	9	0	1	20	13	20	14	0.9	0.6	1.3	1.6	631	781	0	0	526.38	450.97
Blyth	20	20	20.0	20.0	290	309	4 048	3 145	1 578	1 891	5 626	5 036	77.1	69.0	19.4	16.3	552	447	1.54	1.85	110.91	141.59
Booleroo	31	31	31.0	31.0	490	553	4 008	3 766	1 936	2 067	5 944	5 833	52.5	51.6	12.1	10.5	17	198	1.65	1.75	124.83	143.26
Bordertown	55	55	55.0	54.9	1 377	1 318	6 394	6 829	7 079	5 887	13 473	12 716	67.1	63.5	9.8	9.6	1 662	1 809	1.51	1.69	119.89	137.27
Burra Burra	40	40	40.0	40.0	585	591	6 904	7 209	1 504	1 415	8 408	8 624	57.6	59.1	14.4	14.6	280	122	1.59	1.56	105.95	113.54
Central Eyre Peninsula	23	23	23.0	23.0	400	362	1 237	1 290	1 210	1 060	2 447	2 350	29.1	28.0	6.1	6.5	457	453	3.09	3.48	219.43	245.93
Clare	64	64	51.8	54.8	838	838	9 101	7 852	5 365	4 612	14 466	12 464	76.5	62.3	17.3	14.9	716	464	1.46	1.72	100.44	123.28
Cleve	22	22	22.0	16.0	563	560	1 151	1 244	1 475	1 306	2 626	2 550	32.7	43.7	4.7	4.6	942	857	3.29	3.36	253.69	286.24
Coober Pedy	20	20	20.0	20.0	707	682	75	47	2 725	2 379	2 800	2 426	38.4	33.2	4.0	3.6	855	1 071	2.37	3.05	231.73	301.39
Cowell	20	20	20.0	20.0	300	258	4 454	4 461	885	865	5 339	5 326	73.1	73.0	17.8	20.6	500	434	1.65	1.77	116.65	129.10
Crystal Brook	30	30	29.9	30.0	352	419	5 103	5 810	1 586	1 525	6 689	7 335	61.3	67.0	19.0	17.5	0	1 772	1.53	1.39	109.68	101.59
Cummins	33	33	26.0	33.0	449	416	2 005	2 371	1 434	1 204	3 439	3 575	36.2	29.7	7.7	8.6	537	728	2.52	2.47	198.46	192.00
Elliston	12	12	12.0	12.0	121	127	1 370	1 567	738	534	2 108	2 101	48.1	48.0	17.4	16.5	238	368	2.70	2.97	216.61	235.25
Eudunda	25	25	25.0	25.0	297	319	3 735	3 453	2 166	2 000	5 901	5 453	64.7	59.8	19.9	17.1	208	461	1.68	1.86	126.94	154.65
Great Northern	18	18	18.0	18.0	152	97	3 115	3 000	708	916	3 823	3 916	58.2	59.6	25.2	40.4	430	647	1.81	1.69	134.22	138.85
Gumeracha	30	30	30.0	30.0	308	239	6 427	6 314	1 641	1 326	8 068	7 640	73.7	69.8	26.2	32.0	283	365	1.45	1.57	107.74	127.00
Hutchinson	93	68	68.0	68.0	3 057	3 188	5 419	4 847	10 807	12 341	16 226	17 188	65.4	69.3	5.3	5.4	3 016	3 069	2.50	2.42	184.12	194.28
Jamestown	30	30	30.0	30.0	700	721	5 198	4 614	1 977	1 595	7 175	6 209	65.5	56.7	10.3	8.6	441	870	1.48	1.90	113.94	140.46
Kangaroo Island	30	30	30.0	30.0	777	792	3 655	4 281	3 012	2 580	6 667	6 861	60.9	62.7	8.6	8.7	829	861	1.37	1.44	123.84	127.99
Kapunda	24	24	23.0	23.0	430	559	2 714	3 166	1 965	2 939	4 679	6 105	55.7	72.7	10.9	10.9	699	648	2.10	1.72	147.73	128.68
Karoonda	18	18	18.0	18.0	304	291	540	910	1 121	1 217	1 661	2 127	25.3	32.4	5.5	7.3	753	958	3.93	3.24	288.21	268.32
Kimba	25	25	23.7	24.7	338	401	2 156	2 619	709	1 193	2 865	3 812	33.1	42.3	8.5	9.5	0	0	3.18	2.51	217.40	196.73
Kingston	31	31	31.0	31.0	395	363	3 163	4 620	1 326	1 381	4 489	6 001	39.7	53.0	11.4	16.5	0	0	2.67	2.12	211.96	163.66
Lameroo	19	19	19.0	19.0	291	290	1 998	2 697	1 738	1 234	3 736	3 931	53.9	56.7	12.8	13.6	539	402	2.52	2.53	174.49	180.40
Laura	22	22	22.0	22.0	336	285	2 508	2 756	1 562	894	4 070	3 650	50.7	45.5	12.1	12.8	1	1 093	2.20	2.42	166.11	182.28

Mr D.S. BAKER: Because some Government hospitals cost over $320 per bed day, the taxpayer suffers a great loss. Indeed, according to the Liberal Party's health policy that has just been released there must be a dramatic cut in many areas of the free health system so that it will be feasible for the taxpayer to pick up the bill, and this is one typical example of what is going the other way. I therefore condemn the Minister for his proposal. Not only does he want to do this, but I point out that it is only in the past few months that a document has been released stating that the Government is to take away the neonatal services from many country hospitals.

Surely this is the wrong way to go. After all, country hospitals have served their communities well over many years, yet the Minister calls for some of his 300 bureaucrats in the Health Commission to produce a report that states that regionalisation of maternity services will be a plus. Of course, there was uproar in the country and in all country hospitals. Country people have a right to enjoy the services enjoyed by city people, and taking away maternity services is a further nail in the coffin to country people.

When tackled on this problem, the Minister said that he did not mean what had been reported. He said that it was only a report and that it would all be buried. However, having been in the South Australian hospital system as a member of hospital boards for 25 years, I know that the autonomy of all non-government hospitals has been slowly whittled away by socialist Health Ministers. Those Ministers have gradually taken away the autonomy of the non-government hospital boards, and they have also taken away the effectiveness of those boards to make sensible decisions on behalf of patients in their hospitals and the ability to cut the total cost to the community in the running of those hospitals.

The basic difference between the non-government hospital and the Government hospital is one of attitude. Non-government hospitals have always had one philosophy: to provide adequate patient care at a reasonable per bed day cost. Indeed, every community behind every non-government hospital works hard to that end. However, here we have finally the last vestige of autonomy being taken away as non-government hospitals are shoved into the bureaucratic maze called the Health Commission. There is no doubt that the per day cost of running these non-government hospitals will continue to rise while management decisions cannot be made at the point of delivery of the service. Such decisions should be made in the hospitals and not by those in the ivory towers and air-conditioned offices of the Health Commission who are too far away from the management and the patient level.

I think that some of the amendments made to this Bill in the other place are tantamount to selling out. As the member for Goyder said, the Democrats, in moving the amendment that they did, have virtually taken away any vestige of commonsense in that arena. It would have been much better for the other place to have thrown this Bill right out and to leave the autonomy with hospital boards rather than to have it come before Parliament for a decision. Effectively, what the Democrats did, as they have the balance of power, was to say, 'We will decide on each case and on each hospital when it comes before Parliament to be forced into becoming part of this great health system, of which the Minister says that we all should be part.'

I think that that is a retrograde step. It has removed from the board the decision as to whether or not to become part of it. About 30 hospitals have refused to become incorporated, on very good grounds: they run a very efficient system and many of them are in country areas. I stress that many are not in country areas; there are non-government hospitals in Adelaide that are run by elected hospital boards and they run very efficiently. I think it is a sad day for all non-government hospitals when this Bill is foisted upon those communities and there is no way that it can make the stay of patients in hospitals any better.

Mr LEWIS (Murray-Mallee): I do not know of any issue during this past session of Parliament which has created as much concern and anxiety as has this one, unless it was that nefarious Bill which was introduced by Ms Carolyn Pickles in another place to legalise prostitution.

Mr Meier: And we know what happened to that Bill.

Mr LEWIS: That is what the fate of this Bill should have been.

Ms Gayler interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS: That is what should have happened to this one. It should have been withdrawn; it should have been stillborn, like the Minister should have been. That is what will happen in a number of rural areas now, if this Bill—

The Hon. G.F. KENEALLY: A point of order, Sir. The member for Murray-Mallee said, 'This Bill should have been stillborn like the Minister should have been.' I believe that that is totally unparliamentary, and I ask him to withdraw it.

The DEPUTY SPEAKER: I take those remarks to be offensive and I would ask the honourable member for Murray-Mallee to withdraw them.

Mr LEWIS: No, Mr Deputy Speaker.

The DEPUTY SPEAKER: I direct the honourable member to withdraw.

Mr LEWIS: Then I withdraw those words and put in their place—

The DEPUTY SPEAKER: No, there will be no substitute. The honourable member will withdraw.

Mr LEWIS: I have withdrawn. As I said, this Bill should never seen the light of day, and regrettably, the man who hatched it does not have the wit or wisdom to understand the consequences of what he has done. If members opposite had to live in communities where, as was the case 60 years ago, they were more than 50 or 60 kilometres from a hospital to which women could go to have their children—

The Hon. G.F. Keneally interjecting:

Mr LEWIS: I take the Minister's interjection to mean that he cannot believe it is the intention of the Government to close down obstetric and post-natal services in country hospitals when in fact the Minister has already stated that that is one of the strategies and that Tailem Bend's ojbstetric services will be closed down. That will be the first to go—the Minister said that.

If the Minister of Transport does not believe it, then he should now ring the Tailem Bend hospital or anybody living in Tailem Bend who has heard such a report. I think it is scurrilous that the Labor Party can say, on the one hand, that it will not do this and it will not do that but then, on the other hand, within a matter of months, after having given those ironclad guarantees and conned people into believing that it was sincere, it does just the opposite, as it suits it. It did just that during the 1982 election campaign in this State and again during the last election campaign in 1985. The Minister, having consulted (indeed, I nearly had to drag him there, hidebound) with the people of Tailem Bend about the future of the hospital there assured them that its status would not be changed and that it would always be a hospital but, straight after the election, his attitude altered. That hospital will not remain a hospital

much longer, and we resent that. Those of us who live there are outraged by it.

Not one member opposite lives more than 20 kilometres from a public hospital to which they can go for treatment, but a substantial number of my constituents do, and indeed several thousand more will also be included in that category once the status of the Tailem Bend hospital is downgraded from a hospital to a nursing home. The majority of beds will be occupied by people who are either geriatric or need low grade medical care in the post-operative period, after any risk to their apparent need to return to the theatre has passed. That decision will be made by some publicly employed doctor, in some public hospital, in some place distant from the community in which those people live.

The Minister should come clean. He should be honest and say that in due course it is intended to use these powers created by this Bill to do exactly the same thing to a number of other country hospitals. Frankly, if I lived in Karoonda or Meningie, I would be concerned. I would be concerned also if I lived in Pinnaroo or Lameroo. Although that is further down the track, I bet that, during my lifetime, given that conditions *cueteris paribus* prevail, and if the Labor Party remains in power, the Lameroo hospital will no longer exist in its present form, with the spectrum of medical and hospital services now provided.

Mr Becker: It's a beautiful hospital.

Mr LEWIS: Not only is it a beautiful hospital, but, it is very efficient and well run. Regardless of whether it costs more or less to treat the same condition in one of the large teaching hospitals in the metropolitan area, I do not believe that the Minister or any other of the bead counters whom he employs to give him false information, which is hatched up in a fashion which suits his political purposes, would choose, if they lived more than 20 kilometres from a hospital, to close down those hospitals or a hospital nearby.

The Minister wonders why we are outraged by the power that he now gives himself through this Bill to take control of boards—indeed, to sack entire boards—and to steal assets from the community, because that is what this Bill does. I can see no other purpose for introducing this Bill in its present form. It merely makes it a simple legal act for the Minister to divest the community of an asset into which thousands of people have put tens of thousands of hours in order to raise, in most instances, the thousands of pounds necessary to build the facility in the first place, and tens of thousands of dollars to then upgrade it and/or to maintain it.

After I and other members have finished our remarks, the Minister can say, 'The amount of money which has been spent by the Government on this or that hospital in maintaining its facilities and grounds and providing it with equipment, extensions, and so on, far exceeds whatever the community put into it and the value of the land at the present time.' The regrettable part about that is that that will not be true, because it will not be in the 1940, 1950 or 1955 pound terms; it will be in today's dollar terms.

At present, of course, as the Minister knows, given the attitude of the current Federal and State Governments to hospitals, no one will buy a piece of real estate with a hospital on it. Before the land could be used for any other purpose, the building would have to be demolished or otherwise turned into some form of downmarket accommodation inappropriate for the purpose for which it was then to be used. If it did not have to be demolished, one would certainly have to spend substantial capital on modifying it. So, it is legitimate for the Minister to say that market values would indicate that these buildings are not worth as much as the community places on them as a value, indeed not only in dollar terms but in terms of security to that community.

I now wish to address myself further to that last remark I have just made in relation to security within the community. How many members in this place would consider it fair or legitimate if they lived, say, anywhere within the Corporation of the City of Tea Tree Gully and were required to travel from that location to a hospital located at, say, Bedford Park, where Flinders Medical Centre is located? That question must be answered in considering the awesome powers and ultimate actions contemplated by the Minister under the provisions of this Bill. If you, for example, Mr Deputy Speaker, as a resident of Henley Beach, are not prepared to travel to somewhere south of McLaren Vale and back each day that one of your children or your wife is in hospital, or if you are not prepared to expect that they would do that for you, then I suggest that you should vote against this Bill, because its effect will be to do just that.

That is despite the fact that, unlike you, Sir, the people whom this Bill will affect have paid to put those facilities at, for instance, Bedford Park; they have worked their guts out to do that, when the basic wage was of the order of £2 a week. They raised thousands of pounds to do that. They have not only worked to raise money to meet the cash costs of parts of a construction but they have also worked with their bare hands and their backs to put the bricks and mortar together to establish the buildings in which the facilities have been installed.

Under the terms of this legislation, the Minister will now take that away from them and/or he will take away from them the right to say whether they can obtain medical treatment that they felt they were giving themselves the opportunity of obtaining within the community in which they lived. Is it any wonder that these people are angry? I know very well that you, Mr Deputy Speaker, would be, from some of the remarks that you have made in this House about some other matters involving public inconvenience.

Another point that should be borne in mind is that a person who is unemployed and who has no money whatever would nonetheless get some benefit not only by way of pension or the dole but also in the form of a concessional travelling card for travel on public transport at concessional rates. This relates to public transport which in all probability travels past or within a few metres of one's front door to a hospital and back, and which is subsidised, at the expense of people living in the country, to the tune of $110 million a year—over $2 million ea week. For example, you, Sir, could travel from Henley Beach to somewhere in the south to visit your wife and/or children if they were in hospital there, yet people living in Tailem Bend, Peake or Sherlock, or indeed anywhere in rural South Australia, not only do not have a subsidised system of public transport but they simply do not have a system of public transport at all. Not only is it not subsidised, it is nonexistent! What is more, whereas a resident of Adelaide could choose the time of the journey, say to the nearest half hour, hour, or so, on that public transport, travelling for a few cents to and from the hospital, anyone in the country who is unemployed or otherwise living on a pension, or people who are unable to drive due to infirmity—old age—or due to being too young, cannot travel to a hospital. They have to wait until they can arrange for a neighbour to give them a lift. Can that be called fair?

If this is not the intention of the legislation presently before us, then why the hell put in these draconian clauses? What real purpose do they otherwise serve if it is not to direct country hospital boards what they shall do—and if they do not do it, sack them! What is the purpose of it

otherwise? I can see none. They have not acted irresponsibly: none of them. I believe that, in the longer term, justice can only be served if we introduce a system whereby we recognise that in each quarter there is so much money that we as a Parliament are willing to spend, through the Government of this State and the so-called Health Commission of the present day, on the maintenance and provision of good health care facilities and services in South Australia, and that we issue to each citizen a voucher that said citizen can use during the upcoming quarter in the hospital of his or her choice, with a weighting of the value of such a voucher according to the distance that a person lives from public hospitals, availability of public transport, and other factors like that.

At the end of a given quarter, the hospitals to which those citizens have gone with their vouchers to obtain the treatment that they want could put together all their vouchers in a return to the Health Commission, which could then reimburse the hospital for them. For example, a person living within easy reach of a hospital in the metropolitan area would have a voucher value of X, while a person living in a remote part of my electorate, at, say, Marama, Bunn's Bore, or Coonalpyn, would have a voucher of the value of 2X or 2.3X, or whatever is the equivalent likely cost of providing hospital care for them in their circumstances. So many Xs in total for the State would be divided into the amount of money that we were prepared to allocate. The hospitals would then be reimbursed after the number of Xs that they received were added up and multiplied by the value of X. That way, people would vote with their feet as to where they wanted to obtain their health care, and it would ensure that we were able to—Mr Deputy Speaker, I draw your attention to the member for Todd.

The DEPUTY SPEAKER: Order! The honourable member for Todd. The honourable member for Murray-Mallee.

Mr LEWIS: Thank you, Mr Deputy Speaker. I want members to understand and—

Mr Klunder: Remember throwing those books around the place here a little while ago?

The DEPUTY SPEAKER: Order! The honourable member for Murray-Mallee.

Mr LEWIS: I have no idea what the member for Todd is talking about. I think he is angry; I think he cannot really take the direction you have given him, Sir.

Members interjecting:

The DEPUTY SPEAKER: I call the House to order and I ask the member for Murray-Mallee to address the Chair.

Mr LEWIS: I think I am, Mr Deputy Speaker; I hope I am, and I have no wish to antagonise you. Those people living in remote areas would be able to indicate where they wanted, indeed needed, to obtain their health care. We all know that, after suffering a severe illness or undergoing surgery, it is a vital part of the recovery process for a person to be as near as possible to familiar surroundings, to see familiar faces, and to be reassured by friends and relatives of their continuing interest in one's welfare.

That is germane to the art of providing health care—to give the tender loving care that is necessary. If you root out a sick person, take them many many kilometres away from where they live and place them in strange surroundings remote from family and friends where they cannot be visited so as to obtain the kind of support and encouragement necessary to expedite the healing process, you further extend the length of time that they will be in hospital. Indeed, in some instances in all probability you may place such additional stress on a person who is critically ill that, instead of recovering, they die.

That phenomenon is well documented among soldiers during war with the kinds of injuries from which they suffer; if they are remote from care and concern there is a greater mortality rate. And so it is with country people. Given that the Minister's intention is to close country hospitals and restrict the availability of services provided to the others that are left open, I say that this legislation is sick and, indeed, as sick as the minds of the people who hatched it. It will not in any sense contribute to an improvement in the health and welfare of people in South Australia who live outside the metropolitan area.

Mr BLACKER (Flinders): This is basically a Committee Bill. It is designed to allow the Government to force the incorporation of hospitals that have so far chosen not to incorporate. Some years ago the Government introduced legislation that would encourage—

Members interjecting:

The DEPUTY SPEAKER: Order! I ask honourable members to show the speaker courtesy by not interjecting across the Chamber while he is speaking. I hope that members show him the same courtesy as they would expect if they were on their feet.

Mr BLACKER: This Bill is designed to allow the Government to force the incorporation of some hospitals which have so far chosen not to incorporate. That is the Government's prerogative. A few years ago, through legislation or the Health Commission, every encouragement was given to hospitals by various means of fundings to incorporate. It could almost be said that it was a means of coercion to get the hospitals to do that. Because of what has happened over the past few years I fear what may happen in relation to country communities which, a few decades ago, were so proud of their local hospital and had personal input into its operation. Indeed, in many cases they instigated the building of the hospital.

My grandmother was heavily involved in the planning and initial development of the Cummins hospital. She was honoured for the work that she did in the 17 years leading up to the laying of the foundation stone by being asked to lay that foundation stone. Until the day she died she worked actively for the women's committee, raising funds for that hospital. She was just one of dozens of people in that community who put their heart and soul behind that hospital. There were subsequently boards comprising community minded people who gave their time and expertise and did whatever they possibly could to the best of their ability to raise funds for their hospitals.

At that time there was much community pride and input from all sections of the community into the local hospital, so much so that the hospital board was able to go to the local council saying that it needed assistance for expansion of a building or to purchase certain pieces of equipment. More often than not a rate was struck within the wards surrounding the hospital to obtain that finance. With the advent of the Health Commission and what has been seen as a Government takeover of hospitals, the community has become divorced from that personal involvement with the local hospital. They now see hospitals more as an institution rather than a community hospital. By 'community' I mean the local community involvement with a particular hospital.

I am concerned that the divorcement by the community in relation to the pride and operation of its hospital has been a step in the wrong direction. This Bill is a little broader than that because it foreshadows regionalisation of hospitals. I can foresee in my area, for argument's sake, that we could have an Eyre Peninsula regional hospital overshadowing other hospitals. I will be grateful if the Minister

explains how he sees this legislation operating and how it will affect the community. This is basically a Committee Bill, and I look forward to the Committee debate on it. I have reservations about the Bill and will oppose it.

Mr S.G. EVANS (Davenport): I take this opportunity to record my appreciation and that of the community to those people who have served what we really call community hospitals, whether it be Blackwood Community Hospital, Stirling District Community Hospital or hospitals of a like kind. I have been particularly disappointed in recent years when Governments have failed to support these hospitals, in particular, the Blackwood hospital. It is not as bad now as it was previously because the hospitals can charge higher fees as a result of their new classifications. However, in the past when there were waiting lists at the Flinders Medical Centre for elective surEgery there was an opportunity to transfer patients to a well equipped hospital such as Blackwood, so that they could be treated by its staff of doctors and specialists. However, advantage was not taken of that opportunity.

There continued to be a waiting list at the Flinders Medical Centre where people's elective surgery was put off for months while there was a hospital of a suitable standard only a few kilometres away not being used. Ministers were approached about this matter and rejected the concept. That established quite clearly in my mind that it is the present Government's attitude that community hospitals are either not acceptable or cannot supply the service that it would like to see supplied, or that community hospitals would prove that they could do things equally as well at a cheaper cost to the taxpayer but that the Government did not want that to occur. It was one of those reasons: it can be no other.

I find that a little hard to accept. As the member for Flinders and others have said, over the years many members of families who lived in certain communities (many quite poor people) served on stalls in the street to raise money, made cakes, grew vegetables or plants, or supported balls or dances to raise money for the local hospital. They did that out of dedication to their community. Now we find Big Brother moving in. The women's auxiliary at the Stirling Community Hospital found that there was no need for it, gradually finding that it was insignificant in the operation. It therefore decided not to continue its fundraising, at least for the time being. To the credit of the Blackwood auxiliary it is still raising funds for that hospital. They have fought the possibility of being forced into the background, for which I give them credit. We talk of Government control and intervention. If this Bill passes there will be an even greater opportunity for government to interfere in local community hospitals in future. Let us not forget those people who gave so much of their time for nothing more than knowing that they were helping the local community.

In that I include the nursing staff who patronise these functions and, in fact, at times organise them. Likewise the local medicos: they are always good for a laugh at the local community show, mixing with the group and contributing in more ways than one to the success of those hospitals. They have served on boards and committees and taken on responsibilities in fundraising areas. Gradually, their attitudes must also change, because Governments have started to interfere with their operations—not the operations within the theatre, but the operations of the local practitioner.

I make the prediction—whether or not this Bill passes as it is—that in the next 10 or 15 years we will revert to where we call upon the community to give their time more in a voluntary way in many areas of our society, including the hospitals, because Governments will not be able to manage the operation in the way that the bureaucrats and Ministers think they should be able to. I should not forget, in saying that, that this volunteer effort occurs not only in the community hospitals, because I know that in the Flinders Medical Centre a significant number of people give a lot of time voluntarily in visiting and fundraising for particular projects—I contribute to some of them as well as at the other major hospital for research—and that effort should not be forgotten.

The local community hospital is important to a community, and if we pass this Bill as it is, I believe that the opportunity will be left (even if the present Government says that it will never do that or if the present bureaucrats say they will never do that) for people in power in future to interfere more and more in that local scene and actually take control not just of the services which may be provided but of the hospitals themselves—the assets.

They can suddenly become no longer local community assets but public assets. If people doubt that, I ask them to think about it very seriously, and when we as a Parliament pass legislation we should not just think in terms of what we intend to do: we should think in terms of what power we are giving to those who may follow us.

The Labor Party should think what powers it is giving to a Liberal Government of the future, or to any other form of government which may be established. Some members say that that is a laugh and that it will not happen. We all know that it will happen. No philosophy has the God-given right to govern for ever, and the community will soon decide that. However, we need to be conscious of that when we pass laws. I have the gut feeling that in this legislation we are giving a lot of power to future Governments—as well as the present Government (if the Bill gets through) and the bureaucrats.

More particularly, I make a prediction to the House that those who follow us—even before the turn of the century—will be talking in this Chamber of giving more responsibility back to the local community and to local volunteers, and actual legislation or Government programs will be introduced to encourage that to occur. Already our Federal Parliament is saying that it cannot find the money (it has bled us dry) to pay for all that its supporters are asking for.

The State Government is pleading already that it is in financial troubles. I can make that point in terms of finance efor funding of our hospitals. A special statement was, I believe, made by the Premier today, but only to the Labor Party. We have all this talk about open government, so how open is this piece a of legislation? Are we or are we not being told the real intentions? When the Government talks of openness and asks us to pass this sort of legislation, we need to look at all of the avenues that are open to be used for legislation in the future. If the Premier is going to make a major economic statement on this today to only his own Party and not the whole community which it affects, then we should not trust that operation. So, like the member for Flinders, I am not a supporter of the Bill in its present form. I have concerns about it and will be interested to see what happens in the final analysis.

The Hon. G.F. KENEALLY (Minister of Transport): I thank honourable members who have made contributions to this debate. The changes that are being made by way of this legislation have been thoroughly debated in another place and thoroughly here again today, particularly by members who represent rural electorates. I certainly understand the reasons for their contributions. I do not have to agree with the points that they have made, but I understand their

need to speak as they see it on behalf of their hospitals. I am not sure whether they are in fact speaking in the best interests of the hospitals, and I will make that point in a moment.

I am surprised at the suggestion by the members who have spoken that an unincorporated community hospital is the only type of hospital that can be close to the community. I suggest that as a member who has represented Port Pirie hospital—

An honourable member interjecting:

The Hon. G.F. KENEALLY: The member for Coles did not, but some of her colleagues have. I have represented the hospital at Port Pirie and Port Augusta and, when I was a member for part of Whyalla, the hospital at Whyalla. It is very much part of the community. The community people work there; the boards are made up of local people; the doctors are very much part of the community; and the hospital acts as a part of the community, just as does any other hospital in South Australia.

The hospitals that are included in the schedule which is causing concern—the 30 or so hospitals which the Government feels ought to incorporate (and now they have some 12 months to have their constitutions changed to enable them to do so)—are 100 per cent funded by the Government. These are not hospitals which are acting entirely in an independent or free enterprise way, as some members have mentioned; they are 100 per cent funded by the Government. Both their capital and operating costs are now met by the Government.

The member for Murray-Mallee said that members of Parliament in Adelaide would not understand what it was like for people to sweat and toil to build a community hospital and then to have that community hospital incorporated. There are many instances in the metropolitan area where this has taken place. There seems to be some misconception about what incorporation means. I do not believe that incorporation is a move that needs to be feared.

The property of the hospital does not become commission property, nor does the hospital become part of the commission. Section 27 (3) of the existing Act makes it clear that hospital assets are automatically transferred on incorporation to the newly incorporated hospital. So, the assets remain those of the hospital. Therefore the suggestion that those people who have battled to build a local hospital and to provide the assets will suddenly have those assets taken over by the Government is incorrect.

The moves that have been made have been designed to provide the most efficient delivery of health services to the wider community in South Australia, and some significant benefits will be generated by hospitals which wish to become, as the Minister describes, part of the hospital family. They have been widely canvassed in another place. One simple matter is to do with the staff. I think that the RANF is very much in support of this legislation, because it gives the people who work in these hospitals greater portability to transfer their accrued benefits from one hospital to another. The staffing within these hospitals will stand to benefit.

The hospitals which are not yet incorporated but which are funded by the commission are already subject to conditions of funding. These conditions make the hospitals accountable for their funds, and all that incorporation does is formalise those accounting procedures. I do not think that anyone in this House would argue that a facility which is 100 per cent funded by the taxpayer ought not to be accountable to the taxpayer. With regard to those hospitals that have been mentioned as being unincorporated, it is not the intention that the numbers on the board should be in favour of the Minister's appointments.

They will still be elected locally, and the local community will still have majority membership on the board. The suggestion by the hospitals that will be incorporated that the local community and local auxiliary will not have a role to play and that the local population will reject the local hospital and will no longer play an important part in relation to it is, I think, outrageous and really does not allow for the very strong community feeling that exists within these towns and country cities. In fact, that has not been the case in Port Augusta and Port Pirie where, to the contrary, there is an enormous amount of voluntary community work by the local communities in those two major hospitals. This Bill will in no way interfere with that.

The member for Goyder (who was followed by the member for Murray-Mallee) made the strong point that it was outrageous that the Minister would have the right under this legislation (if it passed) to dismiss the board if it acted in a way that was contrary to the legislation and the regulations, bearing in mind that the hospitals would be entirely funded by the Government. The member for Goyder did not seem to be very concerned when Parliament gave the Minister of Local Government the power to sack local councils. In fact, his colleague, the then Minister of Local Government (Hon. C.M. Hill), not so many years ago sacked the Victor Harbor council, a fully elected body, which was part of the third tier of government. The honourable member obviously agrees that, if a body such as that is in default, it should be sacked. However, somehow he does not believe that the same rules should apply to hospital boards.

Mr Meier interjecting:

The Hon. G.F. KENEALLY: Unless some action is available to a Minister or a Government when they are funding these operations 100 per cent, local people could spend Government funds in breach of the regulations and do what they liked without fear of Government action, because the Minister would not be able to discipline them at all. I do not believe that any reasonable person would feel that that was an appropriate course of action. Indeed, the other place did not believe that that was an appropriate course of action. Members should realise that the Government does not have the numbers in another place and, therefore, we are always subject to its decisions. In any event, the legislation is designed to improve the delivery of health services throughout the State, to provide better coordination and to ensure that accountability prevails, but not take away the essential cooperation and contribution which local communities have always made and which, I am confident, they will continue to make. I urge members to support the second reading.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Objects of this Act.'

Mr BECKER: The Opposition opposes this clause. We do not believe it is necessary. It provides:

> *(a)* The provision of health care through a properly integrated network of hospitals and health centres.

Section 3 of the principal Act provides:

> The establishment or continuation of hospitals and health centres under the administration of autonomous governing bodies.

That complies with our philosophy. We believe that the current philosophy that has operated throughout country health centres and hospitals is quite satisfactory. The clause really amounts to further bureaucratic control over our hospitals and health centres. Much has been said in the past about the transfer of patients from the Flinders Medical Centre to the Royal Adelaide Hospital. The Opposition

believes that this is not a satisfactory system and, accordingly, opposes the clause.

The Hon. G.F. KENEALLY: Frankly, bearing in mind that the health budget amounts to $800 million, for the Opposition to say that all hospitals and health centres should be autonomous even though the expenditure of taxpayers money is involved (money that members opposite helped to vote in this place) and that the commission or the Minister should not have any influence, I think, goes right against the role of Parliament and responsible government. Each and every hospital is part of the State health system, and all health units must work together in a coordinated approach. Even so, every hospital or health centre would have substantial operating discretion and flexibility to enable effective local management of local resources.

Hospital boards will continue to be responsible for matters of internal policy and management, giving direction to hospital activities and ensuring performance against objectives. However, they must fit within the overall priorities, policies and resources of the health system as a whole. I believe that that is fundamental, and that is what this Bill seeks to do: to write into the statute a fundamental role for responsible government.

Mr BECKER: One must acknowledge the huge budget allocated to the health services of this State by the Government, and the many facilities that are available to Parliament to monitor the distribution of those funds. That is done not only through the Budget Estimates Committees but also through the Auditor-General's Report and the work of the parliamentary Public Accounts Committee. The Minister is aware of that and he knows very well that the work of the parliamentary Public Accounts Committee in 1978-79 highlighted to Parliament and to the people of South Australia the inefficiencies of the old Hospitals Department and brought about the speedy administration and improved accountability of our hospitals.

The real work is done out there in the community by volunteers who help to back up the system and fill the gap between the Government contribution and the actual delivery of health services. I think my colleagues from the country accurately described the contribution that has been made towards our various hospitals since the foundation of this State. In fact, we need look only to the success of the Adelaide Children's Hospital and the Queen Victoria Hospital as the State has grown and developed. The Government has stepped in and changed the role of the Adelaide Children's Hospital in relation to funding and the merging of those two hospitals. We have yet to determine whether that is a good move. However, I still believe that the present system is quite satisfactory. The Opposition sees no reason for this clause at all.

[Sitting suspended from 6 to 7.30 p.m.]

Mr D.S. BAKER: I violently oppose clause 3, which strikes out paragraph *(a)* of section 3 of the principal Act and inserts the following:

(a) the provision of health care through a properly integrated network of hospitals and health centres;

The Minister has said that it is necessary for all hospitals to become incorporated under the Act because he believes (and I think that he genuinely believes) that such action will be for the betterment of the South Australian health system generally. However, I disagree violently with that proposition, because the hospital system in South Australia has proven over many years to be one of the best not only in this nation but in the world. It has been based on the autonomy of hospital boards to look after their own affairs and to report back to the Government which in some way finances them.

I take issue with the Minister when he says that non-government hospitals in this State are 100 per cent funded by the Government. That is wrong: non-government hospitals are not 100 per cent funded by the Government. They have never been 100 per cent Government funded and I believe that, if they are allowed to retain their autonomy, they will never be 100 per cent funded by the Government.

There has been direct community involvement in the hospitals with which I have had experience. Indeed, such donations have run into over six figures per annum from the local community. That money goes towards the running of that hospital, and for the Minister in another place to claim that non-government hospitals are 100 per cent funded is wrong. Indeed, that statement totally misrepresents the facts. I am afraid, however, that we have come to expect that sort of administration from the present Minister of Health.

In a community such as that which is served by the Millicent hospital we receive from outside income, totally outside the Hospitals Commission, funds that are donated by the community. Further, committees work for the betterment of the hospital, and each year bequests are received towards its finances. In the past we havee always received not a $1 for $1 subsidy for building: we have received a $2 for $1 and even a $3 for $1 building subsidy. Therefore, for anyone to claim, as the Minister did, that non-government hospitals receive 100 per cent Government funding is a complete misrepresentation of the facts.

Therefore, there is no reason whatever to introduce an integrated network of non-government hospitals in this State. Nor do we need an integrated network of the many private hospitals in this State. Such hospitals oeperate successfully in their own spheres and they are receptive and responsible in observing the rules and regulations that are set down by peer review committees which are State or Federally orientated. To claim that all hospitals must be in anu integrated network is completely wrong, and I therefore oppose this clause most vehemently.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn, Ingerson, Meier, Oswald, and Wotton.

Pairs—Ayes—Messrs Hopgood and McRae. Noes—Messrs Lewis and Olsen.

Majority of 8 for the Ayes.

Clause thus passed.

Clause 4—'Interpretation.'

Mr BECKER: I move:

Page 1, lines 30 and 31—Leave out paragraph *(b)*.

The Opposition considers that there is no need to change the definitions of 'Government health centre' and 'Government hospital' as they appear in the principal Act, because those definitions in the principal Act, which was passed in 1976, give a clear interpretation of the intentions of Parliament. In conformity with our philosophy, we believe that these definitions should remain.

Mr MEIER: I support the remarks made by the member for Hanson. Clearly, it is a case where members of the Board of Health from local hospitals are being treated like children. They are having a finger wagged at them and are being told, 'You're going to get fined $1 000 if you don't

comply with these regulations, and it is worse than many other offences, such as breaking and entering.' I think that it is a thing with which we can well do without in our Health Act. I believe it is something that is unnecessary from the point of view of the people who serve on these boards, and who are well and truly aware of the regulations and their duties. I hope that the Government does not have to use these sorts of means to try to enforce unnecessary regulations.

The Hon. G.F. KENEALLY: I oppose the amendment moved by the honourable member. By deleting reference to 'Government', all hospitals and health centres incorporated under the Act will be incorporated on the same basis. The effect is that, if there is a proposal to set up another hospital or health centre to take over the functions of an existing incorporated hospital, the consent of the existing board of directors is necessary before the takeover can occur. Under the current Act, if that hospital were an ex-Government hospital, that consent would not be necessary; in other words, the Bill gives to the ex-government hospitals the power to say 'No' to a takeover. They do not have this power under the current Act. In fact, I suggest that the amendment moved by the honourable member runs contrary to the intent of what he sought to achieve.

Mr D.S. BAKER: As I see the situation, this removes the last vestige of autonomy of those hospital boards. There is no question (and it is very well documented) that non-government hospitals (and I do not mean country hospitals) in this State have a consistent track record of running at less cost per bed day than Government hospitals. That fact is well documented. Surely, in this State and in this health system we are trying to preserve the autonomy of those organisations that are costing the taxpayer the least amount of money. That is not the case with Government hospitals and that is a well proven fact. Under the autonomy of the hospital board as we know it, it has been the most efficient system in this State and in this country for many years. This clause destroys that system and adds considerable extra expense to the running of hospitals and subsequently to the taxpayers of this State. I think that it is completely wrong.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn, Meier, Oswald, and Wotton.

Noes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Majority of 9 for the Noes.

Amendment thus negatived; clause passed.

Clauses 5 to 7 passed.

Clause 8—'Disclosure of interests.'

Mr M.J. EVANS: I move:

Page 2, line 44—Leave out '$2 000' and insert '$10 000 or imprisonment for one year'.

Of course, this clause deals with the penalty provisions in relation to a member of the commission who fails to declare to the commission his interest in a matter before the commission; in other words, it is the conflict of interest and disclosure of interests protection in the Bill. Of course, as members would know, the Health Commission is a very major institution in financial terms in this State. The commission spends about $900 million per annum and, therefore, it is a very major trustee of the funds of the State.

I draw the Committee's attention to the parallel between the activities of the Health Commission and those of the locally elected councils under the Local Government Act. Members may recall that a couple of years ago this House revised the provisions relating to conflict of interest and disclosure of interest in local government, and the Government and this Parliament and as a whole thought fit to impose a penalty of the order of—

The CHAIRMAN: I would ask the honourable member to pause there. Would members please sit down: it is against Standing Orders to stand up unless one is actually contributing to debate, and I ask members to observe the dignity of the House and to show respect to the person who is speaking at the time. The honourable member for Elizabeth.

Mr M.J. EVANS: Thank you, Mr Chairman. As I was saying, some years ago this House thought fit to revise the penalties that applied to members of local councils who breached their very substantial duty of trust to their ratepayers and to the State, and the House thought fit to impose a penalty of some $10 000 fine and one year's imprisonment as a maximum penalty for those members of elected councils who unfortunately breached that duty. That is a very serious offence and, of course, in reality, the same should be true of the Health Commission.

I draw to the attention of the Committee the fact that the Health Commission does not operate in the public way that a local council does. A local council, on the whole, has its meetings in the public forum; members of the media and interested ratepayers attend those meetings and, of course, any council member who has a private interest in a public matter before the council is very likely to be caught out if he does something so foolish, as, of course, accountability to the public and the media is ever present.

In the case of the Health Commission, its meetings are not conducted in such a public forum, and the media are not usually present at those meetings. Very little accountability exists, in the strict sense of the public meaning of the word, for members of the Health Commission who may e choose to breach that trust. I do not mean to allege by this amendment (as this House did not do in relation to the amendment to the Local Government Act) that in fact such practices are rife or are even occurring. What I am providing for here is a penalty against the eventuality that such things might occur, and I am providing a means of discouraging such improper and untrustworthy actions.

I am sure that the Committee has full confidence in members of the commission, as I certainly do in this context, and by this amendment I am providing for an eventuality and a safeguard for the future. I am also providing for what I consider to be equity. The Government and Parliament provided for local government, elected pefople who voluntarily give up their time to serve their community, to suffer the risk of substantial and heavy penalties in the event that they breached that trust. When one compares the size of the financial obligations of local government—perhaps of the order of $10 million to $20 million in a major metropolitan council—to the activities of the Health Commission—of the order of $900 million—I believe that quite clearly, the penalty for the breach of that trust should be of the same order of magnitude. While I am sure that $2 000 is a significant penalty—and it is significant—the Government and this House saw fit to provide for a much more substantial penalty in other circumstances where the probability of such misdeeds being discovered is in fact far higher.

Therefore, I believe that in these circumstances we should provide an identical penalty. While the amounts are, in fact, arbitrary, the amount that I have selected is the amount

that the Government thought fit to provide for in other, I believe less serious, circumstances and therefore I feel that the amount stipulated should find some support from the Government which in fact selected those other arbitrary amounts. So, that is the explanation behind the level of penalty that I have selected, and I put this to the Committee for its consideration, bearing in mind the factors that promote the risk in this case that I have advanced.

The Hon. G.F. KENEALLY: The Government opposes the amendment. The member for Elizabeth has pointed out that the increase in penalty from $1 000 to $2 000 for failure by a commissioner to disclose a conflict of interest is a severe penalty. I do not believe that the analogy between the Health Commission and local government is strictly one that can be validly made, although the honourable member drew that comparison in his contribution. Unlike local government, the Health Commission is subject to the State Supply Act. That Act, among other things, controls the acquisition and disposal of goods to public authorities and it investigates and keeps under review the practice of all public authorities in relation to purchase and disposal of goods.

The Health Commissioners, members of the Health Commission, are subject to the operation of the State Supply Act, whereas local government is not constrained by that Act, although it can take advantage of it. We believe that the regulations and protocols that apply under the State Supply Act are sufficient to control the contingency of members of the Health Commission running the risk of being in contravention of the declaration of interest provisions: rare as it might be, as the honourable member has pointed out, there is always the possibility of that occurring. The honourable member indicated that he did not expect that there would be any breaches and nor do I, but there is always the opportunity that that might occur. The Government believes that a $2 000 penalty is very severe. I point out that the honourable member was generous enough to advise me last week that he intended to move this amendment and thus I was able to check out the matter with the Minister, who is currently at a Ministers Conference in Perth. Therefore, the Government has had an opportunity to consider in detail this amendment and it has decided not to support it.

Mr M.J. EVANS: Naturally I am disappointed that the Government has not seen fit to accept the logic that I have put before the Committee. I remind the Minister, since he advanced the cause of the State Supply Act, that in fact when the relevant Bill was before this House I also protested at the meagre level of the penalty provisions applicable to that legislation. From memory, I think the amount involved was $5 000 which, while higher than the proposal before us, was in fact still only half that applicable to local government and also did not contain the penalty of one year's imprisonment, which, of course, is a substantial additional deterrent. When one is considering spending some $900 million a year and individual items of equipment, which are worth millions of dollars in value, amounts of $2 000, $5 000 or $10 000 can pale into insignificance against the benefits which might well accrue financially as a result of certain decisions made. The penalty of one year's imprisonment I think has the greatest level of impact, not the question of the financial level of the fine.

However, I would remind the Minister also that in fact the Deputy Premier, as Minister in charge of the legislation considered previously, did in fact agree that the level of penalty was not sufficiently high, and he gave an undertaking to have that matter looked at in the Legislative Council. Unfortunately, due to circumstances which prevailed at the time—for which I do not necessarily hold the Deputy Premier responsible—he was not able to achieve that end. However, an acknowledgment was given in relation to that level of penalty. I think that, if the Government is going to take the view, in relation to the State Supply Act and the South Australian Health Commission Act, where hundreds of millions of dollars are at stake, that the $2 000 or even the $5 000 fine is adequate, given the lack of accountability to the public that those organisations have, it is time for the Government to reconsider the level of penalty that is applicable to the Local Government Act.

When that matter is next before this House, I believe consideration should be given to bringing those penalties back into line with those provided for the organisations that we are discussing here tonight. Those organisations, which are spending hundreds of millions of dollars of this State's money, if these penalties are adequate for an organisation which on the whole is conducted in secret, then local government has been hard done by in this context. If the logic is applicable, I should be raising the matter in that context when a local government Bill is next before the House.

The Hon. G.F. KENEALLY: I draw a distinction between the role of local government and the role of the Health Commission: the Health Commission is subject to the direction and control of the Minister, and the Government hopes that this legislation will come out of this place reading, 'subject to the direction and control of the Minister'. Local government has a little more autonomy than that, I suggest. I think the honourable member would agree that that is the case, although local government is also subject to the State Parliament and, as such, the Minister of Local Government.

Local government has more autonomy and, therefore, more responsibility for its actions, whereas the Health Commissioners, although responsible for their own actions, are nevertheless directly responsible to the Minister. The honourable member pointed out that the health units within the Health Commission spend something like $800 million a year and, as such, should be accountable. We agree with that. That is one of the basic premises of the legislation that we are discussing—accountability and assurances that taxpayers' money is spent in a right and proper way and is accounted for.

I acknowledge that the figure is arbitrary. There is a difference of opinion between the honourable member and the Government as to what is the correct figure. He draws comparisons with other bodies. I will ensure that his comments are referred to the Minister. If he believes that there should be greater consistency between the penalties for various authorities who have similar responsibilities—although not directly similar—then I give an undertaking that that matter will be referred to the Minister. At this stage, the Government opposes the amendment.

Mr BECKER: The Opposition supports the amendment and is disappointed with the Minister's attitude. We recognise that an increase of 100 per cent in the penalty is a large one. However, what the amendment proposes is consistent with similar legislation. I remind the Minister that only recently we considered a similar amendment in principle in relation to other legislation that involved a confidentiality clause. If we are to be consistent in our legislation we must present that right through the legislation. We consider the implications to be severe enough to require a high penalty.

If this Minister checks with the Minister of Health he will find that there was a breach of the relevant section of the Act not long ago in a Government hospital. Had the penalty proposed here by the member for Elizabeth been in force I am quite sure that those responsible for that breach

would not have taken the actions they did. Therefore, I consider that the Minister should either defer the clause or agree to this amendment and, if necessary, go to a conference about it. I am positive that this matter has not been given the consideration that it rightly deserves and for that reason the Opposition supports the amendment.

Mr D.S. BAKER: I pay a tribute to the member for Elizabeth because in the short time I have been in this Parliament I have found that he has one of the most perceptive minds, in relation to legislation, on the other side of the House. He represents his electorate well and has some knowledge of the Bills that come before us.

I totally agree with his amendment. It seems to me, as he has said, that if one is dealing with some $800 million, if it is good enough for the hospitals to give up their total autonomy and everything else that the non-government and district hospitals have worked for many years to attain, and if the districts have to hand over power to a Minister of Health who has a very dodgy track record in dealing with those matters, then it is very proper that the commissioners should face fines appropriate to the crime of non-declaration of interests. I totally support the member for Elizabeth and applaud him for having the temerity to raise before this Committee the anomalies that exist in Government legislation. I hope that the Committee will accept this amendment as a proper fine for a transgression by a commissioner of the Health Commission.

Amendment negatived; clause passed.

Clause 9—'Commission subject to control of the Minister.'

Mr BECKER: The Opposition opposes this clause because we believe the present Act is satisfactory. Removal of the word 'general' gives the Minister absolute power, and we are opposed to any Minister having that absolute power.

The Hon. G.F. KENEALLY: To be subject to the control and direction of the Minister is not an unusual power for statutory authorities; for instance, the South Australian Housing Trust operates under exactly the same sort of clause. It therefore does not seem unreasonable. This is a peculiar circumstance and those members who have been Ministers would understand quite clearly that whenever there is a perceived problem with the State's health system the Minister of Health is held directly to blame. We have heard that here during this debate. Members opposite have blamed the Minister of Health for anything that has happened in the health field in South Australia with which they do not agree. On the other hand, they do not give him credit for those things with which they agree.

If the Minister has only a general power to direct the commission there is a significant degree of legal opinion available which suggests that there is not a clear delineation of the powers of the Minister at all in relation to the Health Commission. The Health Commission has a budget of $800 million, which has been mentioned many times during this debate. With a budget of that size and importance there should be no room for doubt about whether the commission is subject to the Minister's direction and control. I suggest that when members opposite (as they inevitably will be) are back on the Treasury benches they will welcome this clause being clarified in this way. They might not like it at the moment because they are in Opposition and are acting as though they expect to be there always, otherwise they would be supporting what the Government is doing.

Mr D.S. BAKER: I think that what the Minister said is quite incorrect. It has been shown this afternoon and evening in the debate that the system which has prevailed in this State is more efficient and cheaper to the taxpayer than the Government's system, and I have put on record in *Hansard* facts which show that. They are indisputable facts which cannot even be argued by the Minister of Health in another place. What he is trying to do is take that autonomy from hospital boards and take away any vestige of control from those boards.

He is emasculating the best system we have ever seen in this State to put it into a bureaucracy that is proven to be more costly than private enterprise or private enterprise-type boards have been in non-government hospitals. There is no question about that, and I am sure that the Minister representing the Minister of Health in this House would not get up and argue about that. So, why would the Government want to take out this provision of 'general' within this clause? It is in the best interest to keep it in the legislation and for autonomy to be preserved for those non-government hospitals to carry out the function for which they were designed, that is, to give adequate patient care at a reasonable cost per bed per day.

Clause passed.

Clause 10 passed.

Clause 11—'Delegation.'

Mr M.J. EVANS: Before I move the amendment which I have circulated to this clause, I indicate that I do not intend to proceed with the other amendments relating to the actual penalty provisions on conflict of interest, but will be proceeding with the remaining amendment. I move:

Page 3 after line 24—Insert new subsections as follows:

(4) If a conflict or possible conflict arises between a delegate's private interests and the exercise of powers or functions delegated under this section the delegate—

(a) must, as soon as practicable after becoming aware of the conflict or possible conflict, report the matter to the commission; and

(b) must not act further in the matter from which the conflict or possible conflict arises except as authorised by the commission.

(5) A delegate who contravenes or fails to comply with a requirement of subsection (4) is guilty of an offence.

Penalty: $10 000 or imprisonment for one year.

(6) In subsections (4) and (5)—'delegate' means—

(a) a person to whom powers or functions have been delegated by the commission pursuant to subsection (1);

(b) a member of a committee to which powers or functions have been delegated by the commission pursuant to that subsection.

This amendment may prove necessary, depending upon the Minister's response, but in my view there is a difficulty where the commission delegates some of its powers or functions to a person who is not an employee of the commission or a member of the commission. If they use the option of proposed clause 17 (1) *(c)*, namely, 'to any person holding or acting in an office or position specified in the instrument of delegation' quite clearly they can delegate outside the commission and also to the members of the commission itself. In that area, it seems to me that there is no obligation on a person who is not an employee or member of the commission to report any conflict of interest to the commission. There may well be a common law duty on them not to act in that way, but there is no statutory obligation on a delegate who is not otherwise covered by the legislation to report and to act contrary to the conflict of interest.

While the Government may not accept the level of penalty which I have put forward, I believe that, at the very least, it should consider that problem, because when a person is acting as a delegate of the commission, even where that person is a member of the commission, that person has the sole power to make the relevant decisions because he or she is acting as that delegate. Of course, in the absence of a review by the commission, the delegate will exercise full power in the delegated area. I believe that conflict of interest is far more serious in those circumstances than in

other circumstances, because where a conflict of interest exists—for example, in the case of a member of the commission acting as a member of the commission—he has his or her other colleagues on the commission to pick him or her up on that and generally contest his or her views.

Where a person is acting as a delegate, that person is of course exercising sole discretion, except where the decision is reviewed by the committee, and I believe that conflict of interest is more serious, and do not believe that the legislation as it stands covers the case of a conflict of interest in a person who is not a member of the commission or an employee. It is for that reason that I formally move the amendment to clause 11.

The Hon. G.F. KENEALLY: The Government opposes this amendment. Under the amendments, the officers and employees of the commission are required to declare pecuniary interests and would have to declare any conflict of interest, and it would be very unlikely that any delegate who was appointed would not be an officer of the commission. On the other hand, the point that the honourable member makes is that if a delegate is not a member of the commission, that delegate would not under the Act be required to declare a conflict of interest, but that person is subject to the checks and balances of the ministerial decision-making process and the State Supply. On the basis of that and on the basis that it would be very rare indeed that any delegate would be other than an employee of the Health Commission, the Government is opposing the honourable member's amendment.

Mr BECKER: The Opposition supports the member for Elizabeth. We think it is a pity that the Government does not accept the amendment, because it tidies up the legislation. There is no doubt that, the way the Minister has explained it, everything is just a one-way street as far as the commission is concerned, and we do not think that is satisfactory. The member for Elizabeth is quite right in the points he puts forward. Here again, I think that the Minister should take this back to the Minister of Health and ask him to give it further consideration in future.

Amendment negatived; clause passed.

Clause 12 passed.

Clause 13—'Incorporation.'

Mr BECKER: This is the clause which really irks the Opposition, and we oppose it most strongly. It deals with the incorporation of the unincorporated hospitals. The way it was amended in another place gives the regulatory power to the Democrats, and I have never known a minority Party or group which boasts of having the balance of power then setting out to amend legislation to give it just that, because if there is a hospital which wishes not to become incorporated, incorporation can be forced upon it.

The regulations can be brought to Parliament, laid on the table for 14 days, and it will be up to the Democrats whether or not that hospital will be incorporated. Fancy any hospital that is unincorporated at the moment having to come along and grovel to the Democrats to remain unincorporated if it wishes to do so! Not only the hospital, the hospital board. It is the community. It has already been explained in the second reading speeches by my colleagues from the country that the communities which form the basis and the support for the hospitals in the country are so strong and so supportive that what this clause does is totally debase them. To have to go along and accept the dictatorial powers the Democrats have now given themselves is an absolute insult to these people. The Democrats have totally misrepresented the whole situation. They claim that they represent the State, they reckon by about 8 per cent or 9 per cent, yet they are given power over the Government, power over Parliament, and I think that this is just so undemocratic that we oppose this clause most strongly.

The Hon. JENNIFER CASHMORE: I support the member for Hanson in his opposition to this clause. As he said, it is the key clause, the critical clause of the Bill. The Committee would know that it is Liberal Party policy to encourage hospitals to become incorporated. There is a very great difference between encouragement and the gun-at-the-head approach which the Government is using. I do not want to take the time of the Committee, but it is a critical issue and I know from my former administration of the portfolio the strength of feeling amongst hospitals in South Australia and the importance of people having some degree of right to self-determination. I therefore firmly support the member for Hanson's opposition to the clause.

Mr D.S. BAKER: This clause is the basis of the Opposition's complaint in regard to this Bill. Here we have what must be the greatest gung ho attitude to politics that I have seen in my short time in this place. The Opposition in another place tried to delete schedule 3, and all members on this side agree that that should have occurred. However, the Democrats agreed to this clause, which surely prostitutes what this Bill is all about. It appears to me that, if you were not going to allow hospitals to be compulsorily incorporated under this legislation, the worst thing you could do would be to lay the legislation on the table and have a minority Party (which surely must have been chafed from sitting on the political fence) decide whether or not a hospital should be forcibly incorporated under the legislation. I think that, if ever legislation has been prostituted, it is in this case. The situation under this clause must be the worst of all worlds.

The Hon. G.F. KENEALLY: The Government is not entirely happy with the legislation, but it is the best form available to us. I think it is quite interesting that members opposite are critical of the minority Party (as they describe it) in another place having the ultimate say in relation to the regulations. For many years—both before and after I entered this place—every piece of legislation and every regulation that went through this Chamber was subject to consideration by the Opposition in another place and, ultimately, it decided whether or not the Government would have its way. The Government was elected to administer Government services in this State, yet we had to depend on the views of Opposition members in another place. It irks the Opposition, for once in its life, to be in a similar position.

An honourable member interjecting:

The Hon. G.F. KENEALLY: It was irksome to my Party when over many years it was subject to the same sort of constraints in another place.

The Hon. H. Allison interjecting:

The Hon. G.F. KENEALLY: Certainly, there is a difference, as the member for Mount Gambier points out. The difference between the Opposition and the Government is that the Opposition is encouraging hospitals to incorporate. That has been happening in South Australia for 10 years, and some of them seem most reluctant to do it. Under this legislation the Government will give hospitals another 12 months to get their constitutions in order and to request incorporation.

I believe that the fears expressed by members opposite in the early part of the debate and during the Committee stage are unfounded (and I explained my reasons earlier). The Government provides the overwhelming majority of funds—I would say 100 per cent of necessary funds for the running of these hospitals. The member for Victoria pointed out that not all the funding available to these hospitals is

provided by the Government. However, that is also the case in Whyalla, Port Augusta, Port Pirie and Port Lincoln. There are auxiliaries which help to fund the operations of the hospitals in those cities. However, the basic funding for the operation of those hospitals is provided by the Government. This is similar to the local government situation where you wait for years for local government authorities to make the decisions which privately they would like others to make for them. I suspect that this situation with the hospitals is not too dissimilar from the local government situation. I ask the Committee to support the clause.

Mr BECKER: The Minister has not put up much of an argument at all. In fact, he has thrown up the red herring of the situation in another place over the years. That is history. However, a lot of good work was done in another place, which tidied up a lot of Government legislation.

The Hon. H. Allison interjecting:

Mr BECKER: Unfortunately, that is correct. Many of us were critical about correcting drafting errors made in the Dunstan Government legislation. If we had let the legislation go through without correcting it, the State would have been in a horrendous mess. We believe that our duty was to put through responsible legislation and not let it go through in a form that would have brought down the Government or made a total mess of the departmental policies and philosophies. No-one can argue that the Democrats should have the power that is given to them through this clause. I am amazed to think that the Government would permit—

The CHAIRMAN: Order! The member must link his remarks to the amendment before the Committee. What happens in another place is not relevant.

Mr BECKER: The clause that is now before us was not the one that was presented to the Parliament originally. We oppose the present wording of the clause because we do not believe it is democratic. We believe that it forces unincorporated hospitals to incorporate. The clause gives the minority Party in another place the power to decide about incorporation. We think that that is wrong in principle, and that it is wrong for the hospital community and for everyone involved in those hospitals. We believe that the hospital boards are quite competent and capable of managing the day-to-day operations of those hospitals now and in the future.

The Committee divided on the clause:

Ayes (23)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Ingerson, Meier, Oswald, and Wotton.

Pairs—Ayes—Messrs Hemmings, Hopgood, and McRae. Noes—Messrs Gunn, Lewis, and Olsen.

Majority of 9 for the Ayes.

Clause thus passed.

Clause 14 passed.

Clause 15—'Disclosure of interest.'

Mr M.J. EVANS: As the amendment on file is identical with the preceding provisions, I will not, as I indicated earlier, proceed with my amendment.

Clause passed.

Clauses 16 to 19 passed.

New clause 19a—'By-laws.'

Mr M.J. EVANS: I move:

Page 5, after line 25—Insert new clause as follows:

19a. Section 38 of the principal Act is amended by inserting after paragraph *(l)* of subsection *(1)* the following paragraph:

(1a) to prohibit or regulate the smoking of tobacco;.

I have moved this new clause because I believe that it is of the utmost importance that the hospitals and health centres of this State should have the power referred to. Some hospitals and health centres have already taken steps to limit the smoking of tobacco products on their premises for obvious reasons. This provision could be said to be one of the few genuine health measures in the Health Commission Act itself.

My new clause seeks to address one of the most serious health questions facing Australia today, with the possible exception of a certain other disease. As many as 16 000 Australians a year die from smoking related diseases, and the Health Commission, quite rightly, has addressed this problem seriously. Although some hospitals have tried to regulate the smoking of tobacco products, their regulation as such is not founded in the by-law making powers that are granted by this Parliament to hospitals.

The substantive provisions in the principal Act refer to certain by-law making powers, including the power to regulate the consumption of alcohol and to regulate traffic and behaviour generally. However, because of the major health significance of this affliction, it is important that Parliament, the Health Commission and the Government generally recognise the need to ensure that this practice is properly regulated in hospitals and, where appropriate, prohibited. I believe that that principle shoud be recognised not only implicitly by a *de facto* legislative ban by some hospitals on occasion but also by the Parliament's specifically empowering hospitals and the incorporated health centres to regulate, and preferably to prohibit, the smoking of tobacco.

I believe that it would be inappropriate at this time for Parliament to insist on that, but I believe that by giving the boards the power to include, as a by-law, that matter we would be discharging our duty to give due prominence to this major issue of health. I therefore commend the new by-law making power to the Minister.

The Hon. G.F. KENEALLY: The Government opposes the new clause, although there is no disagreement between the honourable member and the Government on the dangers of smoking and the health risks that smoking causes. Indeed, the Minister of Health is leading all Ministers of Health throughout Australia in the effort to combat the terrible tragedies that are being visited on the Australian community by the intake of nicotine and the use of tobacco products.

The honourable member is correct in pointing out that the hospitals have by-law making powers in relation to alcohol, but the difference between the consumption of alcohol and cigarette smoking in this context is that the by-laws in relation to alcohol have been provided to ensure that there is no unruly behaviour in hospitals and on hospital grounds. That power is there to control behaviour rather than the medical consequences.

There is no doubt that tobacco smoking is in the long term possibly as deleterious as, and perhaps even more deleterious than, the consumption of alcohol, although it might be argued that they are equally deleterious. Nicotine is a dangerous substance, but it does not cause unruly behaviour at any time. Two Government hospitals (the Royal Adelaide Hospital and the Flinders Medical Centre) have, by policy, determined that smoking shall not be allowed within their campuses, and we hope that that policy will extend to all hospitals. However, it will be done by encouragement rather than by giving the hospitals these regulation making powers.

If this satisfies the honourable member (and I suspect that it will not satisfy him), the desirable action may be the same as that in relation to the incorporation of a hospital. If the hospitals themselves are not prepared to pick up the non-smoking ideal as policy, it may be necessary in future for the authorities to consider whether the hospitals should have these regulation making powers. However, at this stage the Minister does not believe that such powers are necessary. The hospitals and health units are well aware of the dangers of smoking and are taking voluntary action to control it. However, at this stage we do not believe that the powers to regulate smoking are necessary.

Mr PETERSON: I am surprised to hear one of the most responsible and able of the Ministers speak against the new clause as he has done.

The Hon. D.C. Wotton: Don't go too far.

Mr PETERSON: I happen to think that the Minister is pretty capable. The beauty of being a member is that one may have one's own opinion. I think that the Minister is capable, and I am surprised that he should speak against this amendment. Indeed, I believe, on good authority, that the Labor Caucus has banned smoking in the Caucus room. That came from an informed source, and I give it credence. I am surprised that the Minister should not recognise that smoking can be a nuisance. I think that most members realise that I smoke, and I know that it annoys people at times, so I always move away from them, as members would know.

The other aspect of this matter is that smoking is a health hazard. That is a well recognised fact, and I heard the Minister say earlier that he did not disagree at all that smoking and nicotine can cause health problems. There are well documented statistics which I have not had time to obtain tonight, in relation to the number of hospital beds now occupied by people who have been affected by cigarette smoking. There are well documented records of people who have been affected and are being affected by passive smoking. Where can you cause more problems than in a place where people are placed for health treatment? They are in hospital in order to be in a sterile and healthy atmosphere, but that is negated when somebody blows smoke all over them. Why should we not look at that? I believe that the Flinders Medical Centre has placed a ban on smoking. If it does not have any regulatory ban—

Members interjecting:

Mr PETERSON: Yes, I will go straight out of the Chamber and have a smoke, but I do not smoke in the dining room, which is not the case with many other members.

Members interjecting:

The CHAIRMAN: Order! Will the Committee please come to order. The honourable member must link his remarks to the amendment before the Committee.

Mr PETERSON: The amendment seeks to amend section 38 of the principal Act by inserting after paragraph *(l)* of subsection (1) the following paragraph:

(la) to prohibit or regulate the smoking of tobacco;

Everything that I have said relates to that amendment and I have not digressed from it at all. The Flinders Medical Centre has placed a ban on smoking, and I see no problem with giving the hospitals the power to regulate. We are not saying that they have to ban smoking but, rather, that they should have the power to regulate. Let us look at what they can do now. Section 38 of the principal Act provides:

(1) The board of an incorporated hospital may make, alter and repeal by-laws for all or any of the following purposes:

(a) to prohibit persons from trespassing on the grounds of the hospital;

You cannot even walk through a gate, but that causes no health problem and no inconvenience. Under the regulations you cannot even take a short cut through the hospital. Paragraph *(b)* provides:

to define parts of the grounds of the hospital as prohibited areas . . .

That would be necessary for many reasons: for instance, in relation to the grounds of hospitals dealing with patients who have a communicable disease. Perhaps they do not want you there, but they have the power to regulate, so whether you smoke, drink or do somersaults, you cannot go there. Paragraph *(c)* provides that you cannot break a window or damage anything on the property or the building. Paragraph *(d)* prevents you from driving above a certain speed, and paragraph *(e)* prevents you from driving dangerously. Paragraph *(f)* provides that you must prescribe the routes to be followed within the grounds of the hospital: I suppose that that includes foot traffic also. Paragraph *(g)* deals with parking and you cannot park where you like, or you have to go in the grounds where you are told. Paragraph *(h)* requires drivers of vehicles within the grounds of the hospital to comply with traffic directions. Paragraph *(i)* provides that they can regulate all the traffic. Paragraph *(j)* prohibits disorderly or offensive behaviour. Smoking can be as offensive and as obnoxious to some people as many other things can be.

The Minister said that drinking can cause unruly behaviour. That does happen and some people drink to the stage where they can become unruly. Under this Act that can be stopped. You are not allowed to make a noise which might disturb anybody. I suppose that singing might be defined as being unruly. You cannot dance, but you can go and blow smoke all over the patients. Paragraph *(k)* provides:

to regulate, restrict or prohibit the consumption of alcoholic liquor . . .

You cannot have a drink. If you do take a little bottle into the hospital and have a swig (which does not normally cause a problem unless someone drinks to excess, or your breath may annoy somebody else), they can stop that. You cannot make undue noise; you cannot sing or whistle. Paragraph *(m)* provides:

to prescribe any other matters necessary or expedient for the maintenance of good order, the protection of property of the hospital, or the prevention of hindrance to, or interference with, any activities conducted in the hospital or its grounds.

I suppose that under that paragraph, if we wanted to introduce the power to regulate against smoking, we could do so. You could have a fine of not exceeding $50 for any of those previous matters, but then you could go anywhere you wish and blow smoke over people.

Ms Gayler interjecting:

Mr PETERSON: Why not let them do this under the Act and give them the power to regulate?

Ms Gayler: They are already doing it.

Mr PETERSON: It is funny that you suddenly picked that up, because you supported me a minute ago.

The CHAIRMAN: Order! The honourable member will direct his remarks to the Chair.

Mr PETERSON: If we are going to be specific about alcohol and we have to be that specific in the regulations, why can we not insert this provision to ensure that they have the right to regulate against smoking in hospitals? I smoke as much as anybody in this Committee—probably too much—and, if anybody wanted to give people the right to smoke anywhere, it would probably be me, but I believe that hospitals should have the power to regulate against it. I am now on the board of a community hospital, and they have a set of controls in that hospital.

The Hon. G.F. Keneally: What sort of controls have they got?

Mr PETERSON: We are controlling it.

The Hon. G.F. Keneally: Not legal controls.

Mr PETERSON: They are not legal controls. It is wonderful that the Minister said that. We are probably doing it illegally, because we do not have the power. If we inserted the power to regulate in this Act, we can do what is required without any qualms, and that is all I ask: that we allow this to be regulated by the hospitals. I do not ask for a compulsory provision but, rather, that the hospitals be allowed to regulate. I think it is a sensible amendment and probably the right thing to do.

Mr BECKER: The Opposition supports the amendment, and it does so for the various reasons put forward by the member for Elizabeth. However, if members want to get my point of view, that is a different ballgame, because I think that some of the things that have been quoted in relation to tobacco smoking are a lot of garbage. It has never been proved. I have been on record for many years as having said that. I know what it is like to sit in a casualty section of a hospital from 5 p.m. to 3.30 a.m. I know what happens in these areas where distressed people wait for relatives and loved ones to be attended to. The air becomes thick with cigarette smoke, and to some extent I fully understand the points made by the member for Elizabeth and the member for Semaphore.

I think that the Parliament should give the lead to the boards and management of the various hospitals. However, I think that the honourable member's amendment does not go far enough. It refers to regulating the smoking of tobacco, but, of course, he has left out marijuana. Members should not kid themselves that people do not sit in the waiting room and smoke pot occasionally. I have been there and done that, and, as I said, I know what it is like. So, I think that the member for Elizabeth has picked up a worthy point in relation to this provision, and the Opposition totally supports his endeavours.

Ms GAYLER: I have considerable sympathy with the views of the member for Elizabeth and the member for Semaphore. I point out that various South Australian hospitals, including Flinders Medical Centre and Modbury Hospital, are already controlling and limiting the areas in which tobacco smoking can take place within those hospital buildings. I would hate to see the situation arise where patients in a hospital (for example, in the Modbury Hospital, where there is a hospice and where people are actually dying) were deprived of one of the few pleasures that they might have left in life, that is, precluded from having a cigarette. I do have a lot of sympathy—

Mr D.S. Baker: What about marijuana?

Ms GAYLER: Excuse me, I have the floor. The honourable member will have to wait.

Mr D.S. Baker interjecting:

The CHAIRMAN: Order! The member for Victoria will come to order. The honourable member for Newland.

Mr D.S. Baker interjecting:

The CHAIRMAN: Order!

Ms GAYLER: Thank you, Mr Chairman. As I have said, I do have a great deal of sympathy with the proposition, to the extent that smoking of cigarettes in hospitals affects other patients and visitors to the hospital. However, where it does not do that (for example, in certain wards where people are dying, in hospice areas within certain hospitals), I really do think that it would be excessively restrictive if hospitals took the view that this power gave them the right to totally exclude cigarette smoking from a hospital complex.

It is probably very sad that some of us in the community do smoke tobacco, but the fact is that we do, and the fact is that for some of us, particularly for people in distress, it is a great relief to do so. I would hate to see our community become overly obsessed with laws about who shall do what and who shall not do what, particularly in circumstances where an individual's behaviour does not affect others. If this power were to be agreed to by this Committee, I hope very much that it would be exercised with caution and compassion by whichever hospitals decided to abide by such a law.

The CHAIRMAN: I recognise the member for Coles, but before I give her the call I would remind the Committee that we are not talking about the evils of whether or not people should smoke, but about whether there ought to be regulations to prohibit smoking in hospitals.

The Hon. JENNIFER CASHMORE: I appreciate the relevance of that remark, because, with respect to the member for Newland, her arguments are spurious; they are not related to the issue that we are discussing, which is whether hospitals should have the power to prohibit smoking. If hospitals were given that power, I expect that they would exercise it judiciously, and obviously in circumstances such as those referred to by the member for Newland involving terminally ill patients I doubt that any responsible hospital staff member would deny a dying patient's wish to smoke, or to do anything else that was within reason. However, we are talking about this Bill giving hospitals the power by regulation to prohibit smoking. That is the issue; the issue is not whether hospitals should exercise that power compulsorily in all circumstances.

The Minister's remarks were patently absurd; he said that the power to control alcohol is there because alcohol can cause unruly behaviour but that smoking comes into a different category. I think that the member for Semaphore put paid to that notion by drawing attention to all the other powers which relate not necessarily to unruly behaviour but to the good order, conduct and administration of a hospital. My point is that, whilst smoking may not necessarily cause unruly behaviour, it does cause acute physical distress. In fact, it has been known to cause unruly behaviour; the Minister would be as well aware as I am of the fisticuffs that have broken out on aeroplanes involving people who object to passengers who are smoking. So, I think it is stretching the point to say that smoking does not have the capacity to cause unruly behaviour.

The fact is that the Minister is denying hospitals the power—not the compulsion—to regulate a practice which causes acute physical distress and much damage to those in waiting rooms or in wards who are suffering from angina, asthma, sinusitis and a number of other ailments. It can cause acute physical distress to children. This is obviously a power that should be given to hospitals. I have no doubt that in due course it will be. It is just a pity that the Minister will not accept the member for Elizabeth's amendment tonight, when the matter could be tied up immediately and appropriately.

Mr D.S. BAKER: It is quite extraordinary that I should get up this evening and praise again a member on the Government benches. The member for Elizabeth made a very sane and sensible contribution to the Committee on smoking. I found it quite incredible that the member for Newland could get up and make inane comments and threats against people on this side of the House about smoking.

Having had many years experience as Chairman of a hospital board, I can assure members that one of the greatest problems that were experienced in hospitals whose costs are contained and whose cost structures in line with saving taxpayers' dollars was that, although we had by law a method to control speeding in hospital grounds and the ability, by

regulation, to control alcohol, we did not have the ability to control smoking in a hospital.

The member for Semaphore quite rightly pointed out that it can be done but that it is done by bluff. If the Government is going to filch from the community the assets of the hospitals, surely it can give them a very minor power to control the smoking of tobacco products and marijuana within the hospital grounds or within hospitals themselves. I totally support the member for Semaphore in his quite magnificent speech on this subject. I indicate that I will support him absolutely if he calls for a division.

The Hon. TED CHAPMAN: I have just had a briefing. I have been informed of what has been happening in this place during my absence on other important duties. I have been told in the corridors that someone in this place has dared to seek to regulate activities in hospitals generally, and in particular to regulate the patients, and the staff I presume, in the manner outlined in the amendment before the Committee, relating to their personal habits and activities—dictating in fact what shall or shall not be done in public hospitals. At this stage I am not quite sure who is responsible for this, Mr Chairman, but, from the laughter coming from members on both sides of the Chamber, it is probably a joke.

Mr Meier: The member for Elizabeth.

The Hon. TED CHAPMAN: My colleague the member for Goyder tells me the member for Elizabeth is proposing to amend this Health Commission Bill, an important piece of legislation in its own right, no doubt. Here we are on the eve of Easter, and to be disrupting the regular procedures of the House—

An honourable member: Are you supporting this move?

The Hon. TED CHAPMAN: No. My colleague suggests that I should support such an outrageous move. For goodness sake: fancy me, one of the few smokers left in the outfit, and they want me to support an amendment to a Bill that in my view mucks it up.

Members interjecting:

The Hon. TED CHAPMAN: The member for Semaphore is not a heavy smoker; he puffs away at cigars and a stinking pipe. What would he know about this piece of legislation?

The Hon. Jennifer Cashmore interjecting:

The Hon. TED CHAPMAN: I am being lobbied again: she is at it again. What does the honourable member want from me? For goodness sake, here we are trying to get through this legislation and get home for Easter and I am being jammed in the corner by none other than my colleague. I will not take up too much of the Committee's time on this matter.

However, I could not in all conscience refrain from saying a few words on this Bill. I think that it is absolutely outrageous to be dictating to people in hospital, of all places: next they will want to dictate to people in the cemetery. We have enough laws on the roads and in the community at large, but it could well be that, in the last hours of his life, a patient lying somewhere will call for a priest and a smoke: he will get a priest any day of the week, but in those dying hours he cannot have a smoke. I cannot believe that anyone is serious about putting forward an amendment of this kind. Is there anyone who supports the amendment?

The Hon. Jennifer Cashmore: Yes.

The Hon. TED CHAPMAN: There is? I can tell you: not old Ted—no way!

The CHAIRMAN: Order!

The Hon. TED CHAPMAN: Thank you, Mr Chairman, for your tolerance and patience. Have I made myself clear in relation to the legislation before us? I oppose the amendment, and will demonstrate that opposition at the appropriate time.

Mr M.J. EVANS: I remind the Committee that, in fact, what I am proposing in this amendment is not a ban but simply an empowering clause to enable hospitals to prohibit or regulate the smoking of tobacco, to enable individual hospitals to regulate the smoking of tobacco in specific areas to the extent that they felt desirable and necessary in the circumstances. I remind the Minister of Transport, who has the carriage of this legislation in this place, that he felt it necessary to take such a step with respect to public transport in this State, so as to ban totally the smoking of tobacco products on all buses and trains, without exception, in this State. There are no carriages where one may smoke. One cannot smoke on the second half of the bus. All that was removed, and very rightly, too, by the Minister of Transport. I am sure that he supports, for adequate reason—

The CHAIRMAN: Order! I call the Committee to order, as it is very hard to hear the speaker. The honourable member for Elizabeth.

Mr M.J. EVANS: Thank you, Mr Chairman. I am sure the Minister of Transport supported that provision and continues to support it in relation to buses and trains in this State, and that he does so for very valid reasons. It is a fact that the smoking of tobacco products in hospitals in particular may well expose patients in those hospitals to serious risk and inconvenience. That number of patients who quite conceivably may be suffering from such ailments as asthma, emphysema, respiratory diseases and (dare I say it) lung cancer may in fact be not only severely inconvenienced and offended but seriously affected healthwise by smoking in hospitals.

Not to include that power in the list of regulatory provisions which we already have is, in my view, simply unbelievable. Whatever the existing abilities of hospitals to do this on an administrative basis we would, of course, be sending an important message to the community generally and to hospitals that this Parliament is seriously concerned about this issue. Despite some of the contributions this evening, I think that aspect has been overlooked. The fact is that, by including this power in the list of regulatory features available to hospitals and health centres, we would be giving the community, and the health community in particular, a very important message that this Parliament is serious about preventing the death of some 16 000 Australians a year from tobacco related products, and there can be no more serious place in which to put that point than in the health centres of this State. It is on that basis that I commend my amendment to the Committee. I hope that the Government will reconsider its previously stated position on this matter.

Mr MEIER: I have listened to the debate from both sides of the Chamber. I am loath to support the bringing in of an amendment to regulate smoking because it makes a little hypocritical what I said earlier about some of the Government's insistences in trying to bring in so many controls on boards. This would be another control. However, I recognise that the arguments put by the member for Victoria contained a salient point: he has been on the board and knows the problems that hospitals have.

Does the Minister see the possibility of a similar prohibition on smoking being entertained by hospital boards through regulation or a by-law of a hospital so that it is up to the hospital? This may not apply to all persons or all wings of a hospital. There may, for instance, be a section set aside for smoking, and a section where visitors can smoke, rather than there being a blanket prohibition.

Mr M.J. Evans interjecting:

The CHAIRMAN: Order! The honourable member for Elizabeth, as the proposer of the amendment, is allowed to speak as many times as he likes, so I ask him not to interject. The honourable member for Goyder.

Mr MEIER: I did overhear one interjection from the member for Elizabeth when he said that his amendment seeks to allow regulation. It does not read as clearly as that, and I believe that it is incorporated in the Bill for all time. If I can have an assurance that it is not compulsory and could be introduced if a hospital felt that there were areas within it where smoking should be prohibited, then I would be happy with the amendment.

Mr M.J. EVANS: I can give the honourable member the assurance that if this amendment became law that would be the position: it would be up to each individual hospital board to regulate or prohibit smoking of tobacco to the extent that it felt necessary in its individual hospital. It does not force them.

The Hon. G.F. KENEALLY: I make the point, because it was implicit in the member for Goyder's request for information, that no hospital board to my knowledge has yet asked for this regulatory power, so in a sense we are not denying them something they have asked for, as suggested by the member for Coles. I have listened closely to the debate and some strong points have been made.

I think, as I said earlier in the debate, that this matter could well be looked at by the Government, and I am sure it will be. All the very valid points that have been made here I will ensure are referred to the Minister. The House will be sitting again later this year. If members of Parliament are unhappy with the reaction of the Government to this debate, then they can move a private member's motion at the appropriate time. I am not denying that the smoking of cigarettes or nicotine is a problem within the community and within hospitals, but there are many very real problems.

The member for Alexandra, in a rather lighthearted speech, alluded to some, and some of my colleagues over here have alluded to some, not so much in the debate but in discussions. Many people, if they were not able to have a cigarette—many elderly people, too—would find it very difficult or would probably refuse to go to hospitals. I understand that within the suggestion of the honourable member one could declare places within certain hospitals as smoke free areas or areas where people could smoke, but it is just not an easy thing to suddenly decide to bring in a regulatory power for hospitals in relation to smoking without giving the Government the opportunity to look at all the potential pluses and negatives of such a situation.

I think it warrants some very close consideration. I can undertake that the Government will give it that consideration and, if the Government decides that the amendment is worthy of support, then the Government will take action. At this stage I am not supporting the amendment, but I will give an undertaking that the Government will consider it and, if it supports it, will take the appropriate action in the next session of Parliament. If the Government does not, of course, the honourable member can introduce a private member's Bill.

The CHAIRMAN: The honourable member for Davenport.

Ms Lenehan: Come on, Stan!

Mr S.G. EVANS: I do not wish to accept the offer of the member for Mawson to 'come on' now: I prefer to speak. I support the amendment in quite strong terms, because it does not harm anyone. All we are doing is saying that the board 'may regulate'. It can say that there will be no smoking in the whole or any part of the hospital. It does not say it will be just *carte blanche*, that there will be no smoking in any hospital. The board of that hospital will make the decision. The Minister is saying in quite clear terms that the Government will not trust the boards of the hospitals.

I would trust the boards of the hospitals, and I am quite happy for the boards to make the decision. They would have to do it in consultation with their employees. If there are patients who have a strong desire or need to smoke, the hospital boards would have to consider that when making regulations. We have a Minister of the Crown in this State—as well as federally—spending a fortune on advertising against smoking, spending taxpayers' money saying how much smoking is affecting the health not just of people who smoke but others who are affected by those who smoke.

We have been doing that, spending millions of dollars a year, putting conditions on tobacco companies to point out that smoking is a health hazard, but when it comes to the place where we are supposed to be curing people, protecting people from health problems—and doing it in a Government or semi-government institution—we say that we are not prepared to let boards have the power to regulate. What are we on about?

Are we really saying that, because a person with some intelligence is sitting on the Government side as an Independent member, we will not give him any credibility? Are we not prepared to give him credit for moving an amendment which does some good and actually promotes the philosophy that the Government itself has been trying to promote in recent times?

I commend the member for Elizabeth for moving that amendment, which I commend to this Committee, I think that it does actually display—if we pass it—that we as a Parliament have the concern that hospitals should be places where people can be treated in safety and protected from people who may smoke. In particular, I refer to employees. What would happen if we suddenly found that nurses—male or female—were being affected through patients smoking in hospitals? Are we saying that the board would not have the right to ban smoking in that ward? Are there some wards where smoking should be banned because of people having respiratory problems?

Should not a board have the right to make that decision? What sort of Parliament are we if we cannot trust the boards we are setting up and saying that we agree with? We are going to give them all sorts of other power in relation to health care, but when it comes to this—something we know is dangerous to health; something, as I said earlier, we spend a fortune telling people not to get involved in, bringing about regulations, passing the Acts of Parliament—and when we have the opportunity to get this simple power to the boards, we say, 'No, we won't agree.'

The main reason is because the individual who moved the amendment does not belong to the Government of the day, and the Government does not want to give him credit. If we want another example of that, just off the cuff, the same thing happened with the select committee on Carrick Hill. The Government was not prepared to give the credit down here, but it agreed to do it in another place. I support the amendment.

Mr BECKER: I want to make very clear the Opposition's stand in supporting the amendment. We read the clause:

> The board of an incorporated hospital may make, alter and repeal by-laws for all or any of the following purposes:

That includes this provision:

> To prohibit or regulate the smoking of tobacco.

If the amendment is successful, since the honourable member did not include the words 'or marijuana,' we would move to add the words 'or marijuana.' I think it is necessary,

because if we are going to lump tobacco in, we will have to start looking at marijuana and all sorts of things today.

There are 'no smoking' zones in most sections of hospitals at the moment and it is a matter of whether those 'no smoking' zones are legal or not, and what happens if someone challenges them. By supporting this amendment, we are giving the boards of those hospitals the opportunity to make the regulations that give them the strength and back-up support. I have total faith in the hospital system and in the boards we have at the moment. If they want to set aside withdrawal areas, they will do so. If they want to set aside 'smoke free' zones, they will do so, and I think that there is nothing binding by this whatsoever. Personally, I am the other way. As far as the Opposition is concerned, I respect my colleagues, and we will support the member for Elizabeth and ask all members to do likewise.

Mr D.S. BAKER: I must support—

Ms Lenehan interjecting:

Mr D.S. BAKER: This is the second, if you would mind not interrupting, member for Mawson! The Chairman will consider that.

Members interjecting:

Mr D.S. BAKER: Yes, get back to the kitchen! I support the member for Davenport and the member for Hanson in their contributions, and I think the member for Davenport put very succinctly what it is all about. It is all about giving hospital boards some autonomy. It is all about giving them the decision to make as to whether sections in a hospital should be reserved for non-smokers.

The Hon. H. Allison: After all, it's one of the few decisions left to them.

Mr D.S. BAKER: As the member for Mount Gambier quite rightly points out, having had the experience of a Government hospital in his electorate for many years, it is one of the few decisions that will ever be left to them—and he is exactly right. It already happens—and the Minister must concede that it happens—on trains, buses and airlines.

The Hon. Ted Chapman interjecting:

Mr D.S. BAKER: The member for Alexandra says, 'What happens?' It happens that there are areas for smokers and areas for normal people; that is, the non-smokers. I think that position should be preserved. Why take this power away from them? I absolutely support the member for Elizabeth in his amendment, and I think that the Government and the Minister should listen to it very, very carefully, because it is nothing that is not already available in most other areas of this State and most other Public Service organisations.

The Committee divided on the new clause:

Ayes (14)—Messrs Allison, D.S. Baker, S.J. Baker, Becker and Blacker, Ms Cashmore, Messrs Eastick, M.J. Evans (teller), S.G. Evans, Ingerson, Meier, Oswald, Peterson, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Chapman, Crafter, De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs P.B. Arnold, Gunn, and Olsen. Noes—Messrs Hemmings, Hopgood and McRae.

Majority of 8 for the Noes.

New clause thus negatived.

Clause 20—'Incorporation, etc.'

Mr BECKER: We oppose this clause for the same reasons as we gave in relation to clause 13. The clause forces the incorporation of unincorporated hospitals and sets up the necessary machinery. It also provides for the regulations to lay on the table for 14 days. As I said previously, the Opposition opposes this principle because it really puts the power in the hands of another political Party and not the Government of the day. We oppose that principle.

The Hon. G.F. KENEALLY: I ask the Committee to support the clause for the reasons that were widely canvassed in relation to clause 13.

Clause passed.

Clauses 21 to 27 passed.

Clause 28—'By-laws.'

Mr BECKER: I seek information from the Minister. This clause repeals section 57aa of the principal Act and replaces it with a new section to provide for boards of incorporated health centres to make, alter or repeal by-laws for certain purposes, including the ability to prohibit or regulate the standing, parking or ranking of vehicles within the grounds of health centres and to provide for the removal of vehicles from the grounds. One of the biggest problems in our hospitals and health centres is the lack of suitable and sufficient car parking. Visitors to the Flinders Medical Centre must arrive extremely early or be fortunate enough to hold a clinic card to obtain a car park. Most of the staff are forced to park out on the road, which creates a risk for evening staff.

While there has been considerable improvement at the Queen Elizabeth Hospital over the past seven or eight years, the number of car parking spaces is still not sufficient. The Royal Adelaide Hospital has always had a problem in relation to car parking—and I believe that some of its parking area will have to be returned to parklands. Can the Minister advise the Committee what plans the Health Commission has to improve car parking facilities at the Royal Adelaide Hospital, the Flinders Medical Centre and the Queen Elizabeth Hospital?

The Hon. G.F. KENEALLY: I will refer those inquiries to my colleague and bring down a considered reply for the honourable member because I cannot provide details at the moment. I do not believe that the delay will affect the way in which the member will vote on the clause. I will obtain the information for him.

Clause passed.

Clause 29—'Repeal of section 58 and substitution of new sections.'

Mr BECKER: I move:

Page 9, line 23—Strike out clause 29 and insert the following new clause:

29. Section 58 of the principal Act is amended—

(a) by striking out from subsection (1) 'the management committee';

and

(b) by striking out from subsections (1), (2), (3), (5) and (6) 'or management committee'.

This clause relates to giving power to override hospital boards. New section 58 provides:

... where, in the opinion of the commission, an incorporated hospital or incorporated health centre has failed in a particular instance properly to perform the functions for which it was established, the commission may give such directions to the hospital or health centre as are necessary to remedy the failure.

(2) The board of the hospital or health centre must comply with the commission's directions.

New section 58a provides:

(1) Where the board of an incorporated hospital or an incorporated health centre—

(a) contravenes, or fails to comply with, a provision of this Act or of its approved constitution;

or

(b) has, in the opinion of the Governor, persistently failed properly to perform the functions for which it was established,

the Governor may, by proclamation, remove all members of the board from office.

The impact of that provision would be felt by country hospitals. We believe that it constitutes unnecessary interference and that high-handed powers would be given to the Health Commission and to the Executive Council of the Government of the day to be able to dismiss a hospital board. Although I do not believe that a board would be dismissed as the result of a frivolous complaint, in today's politics one would not know. If a board was undertaking activities that might not be in conformity with the philosophy, wishes and desires of the Government, that Government could well use these provisions to dismiss the board. Therefore, the Opposition opposes the clause as drafted and seeks support for its amendments.

The Hon. G.F. KENEALLY: The Government opposes the amendments and supports the clause, as I feel confident the Committee will do. There is good reason for amending the existing provision of the principal Act. That provision allowed for an appeal to be made to the Industrial Court if the Government considered that there was good reason why a board should be dismissed, and in those circumstances nothing might happen for a considerably long time.

Under the clause in the Bill, however, the Minister would have the capacity to direct a board and, if that board consistently refused to fulfil its functions, it could be dismissed and an administrator appointed for four months while a new board was constituted so that the hospital could continue its operations. There is a difference of opinion between the Opposition and the Government as to whether these powers should be vested in the Minister, although both Parties understand the need for such powers. I ask the Committee to support the original clause.

Mr BECKER: The Minister has summed up the position reasonably well. The Opposition must be consistent in its philosophy of support for the role and independence of our hospital boards, and it believes that, because of the way in which the boards are constituted and because of their composition, this strong power is unnecessary. Therefore, we believe that our amendments are a more satisfactory way of handling the whole situation, and I ask the Committee to support them.

The Committee divided on the amendment:

Ayes (14)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn, Meier, Oswald, and Wotton.

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Crafter, De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally (teller), and Klunder, Ms Lenehan, Messrs Mayes, Payne, Peterson, Plunkett, Rann, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Ingerson, Lewis, and Olsen. Noes—Messrs Hemmings, Hopgood and McRae.

Majority of 8 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (30 to 35) and title passed.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That this Bill be now read a third time.

Mr BECKER (Hanson): The Opposition is not entirely satisfied with the way in which the Bill has come out of Committee. It is fair to say that Opposition members believe in the current system and in the services that are provided for the community by non-government hospitals, especially in country centres and regions where community spirit and support have made possible the establishment of a network of fine hospitals throughout the State.

In principle, we oppose forcing the incorporation of unincorporated hospitals. We believe that that autonomy should be allowed to remain with the boards and committees of those hospitals. It is for that and other reasons that we endeavoured in Committee to amend the legislation, not only in this place but also in another place, and we find it very difficult to support the Bill as it comes out of Committee.

Bill read a third time and passed.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

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

Motion carried.

WRONGS ACT AMENDMENT BILL (No. 1) (1987)

Adjourned debate on second reading.

(Continued from 9 April. Page 4098.)

Mr S.J. BAKER (Mitcham): This Bill represents an honest attempt by the Government to place into Statute something which has been a very vexed question under common law. Whilst this Bill has the general support of the Opposition, I have some concerns about the legislation, which has to be viewed in the context of what has gone before. As everybody is aware, the common law is built up from case history, often hundreds of years old, in the British context. So it is in this case that the common law on the right of entry into land and the duty of care associated with that right of entry have changed considerably over the years.

I note that two reports have been issued by the Law Reform Committee of South Australia to the Attorney-General. The first report to which I refer is that committee's twenty-fourth report, relating to the reform of the law of occupiers' liability. The forty-eighth report is a little more specific and addresses the question of trespass on land. Having read both documents, I have discovered that the history of the rights and duties associated with entry to land is rather fascinating. It was useful to refer to the twenty-fourth report, because it contained a very thorough summary of the case law as it had evolved mainly from the English experience. The committee considered six different situations. The first situation concerned the master/servant relationship and it determined that that was actually dealt with under other responsibilities and other laws. Of course, recently we dealt in this House with the workers compensation legislation.

The second situation concerned persons entering under a contractual right. The law is quite clear in that situation. There is an assumption that a person shall be safe to enter the property. Generally, these people have been regarded as invitees. The third category related to persons entering by public right, and that could include a situation of an auction and people attending it, or people using a public park or a public thoroughfare. There is a common duty of care which is recognised as applying in those circumstances. It is up to the owner to ensure that, as far as is reasonable, the visitor is safe to enter the land for the purpose for which he or she was invited.

In the case of public land there is an assumption that everyone has a right to use it, but of course that law does not then specify, if indeed it is a public park that contains a cliff or a mountain, that people can then sue the Crown or the owner of such property should they try to climb that mountain or cliff and in the process fall over and break

their necks. The law states 'as is reasonable to provide for the safety of people'.

The fourth category dealt with licensees. In days gone by a distinction was made between invitees and licensees. In days gone by the licensee was determined as being someone who had a right to go onto the land but who had no common link with the owner of that land. The courts then determined that there was a higher duty of care to the invitee than there was to the licensee. It is interesting to note that they actually categorised these various elements and said, in looking at the duty of care, that the highest duty of care related to the invitees.

The law relating to the fifth category of trespassers was very clear in that the only duty of care was not to be recklessly indifferent to somebody's safety or to place deliberate encumbrances in their way which were meant to injure them. We have the formerly common case of man traps. It is interesting to note that probably up until this century anybody who strayed onto land was regarded as a trespasser and there was no duty of care owed by the occupier or the owner of that land. If you go back through the cases of the 17th, 18th and 19th centuries you will find that even children who wandered into a dangerous situation were deemed to be trespassers and there could be no obligation on the owner to ensure their safety.

Indeed, the common law now says that there is a duty of care even in a trespassing situation, but that relates to those people who do not trespass on land with criminal intent. In almost all situations concerning children they do not fall into that category. Obviously, they are inquisitive and like to play in different places. The law has been modified and the courts have deemed that landholders have a responsibility in this case. The final category related to the duties of lessors to visitors. There was a general duty of care which was recognised as relating to the landlord on premises in question, but over the years that situation has also changed and under the common law the requirements are somewhat more stringent. That report canvassed all the possibilities that would be included under the Wrongs Act dealing with entry onto land.

In the forty-eighth report of the Law Reform Committee the problem of trespass was specifically addressed. Four different categories were mentioned, and in the first it was recommended that, if a trespasser with criminal intent was to be included in legislation, the only duty imposed on the owner or occupier should be not to injure the trespasser intentionally, except in self-defence of person or property.

A person who set man traps or wires across the road in order to deter adventurous motor cyclists would not be absolved of responsibility in that situation, but a trespasser who entered property with intent would, if they injured themselves, be responsible for their own injuries. The same situation applied to adult trespassers who intended to trespass and who had no reasonable or lawful excuse for so doing. In that case the Law Reform Committee deemed that they had a responsibility to themselves and the occupier had very little in respect of the general duty of care.

Apart from the circumstances involving intent, there is the matter of those people who go onto land for various purposes, say, hunting for mushrooms, and there are the naturally inquisitive children. The Law Reform Committee recommended that adult trespassers and child trespassers did have some rights and that ordinary rules of negligence should apply. The Bill is really an amalgam of the ideas that have come from various court cases that have been conducted over the years. The law has changed quite considerably from the early days when there was virtually no duty of care comparable to the one that exists today. I find the wording to be generally acceptable.

Some submissions have been made about what happens in relation to the landlord situation. Some concern has been expressed that the Bill takes the matter of responsibility beyond what is the normal responsibility of a landlord. I know that members will be interested to know that people in the Master Builders Association and from organisations like the Building Owners Managers Association have had some concerns about this aspect. Where does liability of an owner begin and end, and where does the duty and responsibility of a tenant begin and end? Those people to whom I have referred believe that the Act probably goes a little too far in determining for what a landlord is responsible. I believe that the Bill is not specific enough in relation to either increasing or decreasing the liability of landlords. It is also worth recording that the Bill does not cover other related common law principles, and that is rather interesting. The Bill canvasses a number of propositions. For example, proposed new section 17c (2) provides:

> In determining the standard of care to be exercised by the occupier of premises, a court shall take into account—
> *(a)* the nature and extent of the premises;
> *(b)* the nature and extent of the danger arising from the state or condition of the premises;
> *(c)* the circumstances in which the person alleged to have suffered injury, damage or loss, or the property of that person, became exposed to that danger;
> *(d)* the age of the person alleged to have suffered injury, damage or loss, and the ability of that person to appreciate the danger;
> *(e)* the extent (if at all) to which the occupier was aware or ought to have been aware, of—
> (i) the danger;
> and
> (ii) the entry of persons onto the premises;
> *(f)* the measures (if any) taken to eliminate, reduce or warn against the danger;
> *(g)* the extent (if at all) to which it would have been reasonable and practicable for the occupier to take measures to eliminate, reduce or warn against the danger;
> and
> *(h)* any other matter that the court thinks relevant.

I do not think that this legislation will necessarily do much in the way of clarifying the situation. That provision referred to is a long check list of possibilities. It may well be that a court takes into account a person's circumstances, for example, their ability to pay, in determining whether or not liability attaches—and that would be wrong under the law. It may well be that a court will give greater weight to certain matters in that check list—and a whole range of matters in that list have been canvassed. However, given the difficulty of provisions in the principal Act and the difficulty of the common law itself in this area, this measure is probably at least a step forward.

I am not sure about matters pertaining to this area of making the duty or obligation of the courts more onerous than it is at present. One notes that the twenty-fourth report is very rich in the history of occupiers liability. It is a quite facinating study on how in the past the courts have determined liability. One thing is certain: there are no standard rules to the game. In legislation, we should try to be as definite as possible; we should not provide a range of possibilities and indicate to the courts that they should pick and choose.

Whilst the Opposition supports the legislation, I am not clear in my own mind that it will enhance the force of the law that exists today. Everyone would be aware that when they go to a legal practitioner with a specific case that practitioner will refer to various precedents in common law, point to the different outcomes, and will indicate what, on the law of probability, the chances of succeeding are. Of course, we are now into a whole new ball game in that it

will be up to the court to interpret the wishes of Parliament. To be bluntly honest, the wishes of Parliament are patently unclear. Parliament is indicating that the court should take the relevant matters into consideration. Perhaps there is a need to lay down some ground rules, and perhaps, as the courts manage to come to grips with these ground rules—and we may have to modify them—we may then have a more solid basis than has existed in the past for grappling with this problem.

I am pleased that the law itself does not give trespassers with intent any rights, except in respect of those people who wish to prevent them by potentially injurious means. I am pleased that, generally, the rights of occupiers are protected under this Bill and that, as I understand it, the law is not being changed in any fundamental sense. The only problem that I have is that I am not sure what the final outcome will be and whether, indeed, the outcome will be that a greater obligation than has existed in the past will be placed on occupiers and owners of land, as that would be to the detriment of the rights of occupiers. Having said that, I point out that I have an amendment on file that deals with a matter concerning landlords. This results from some concerns that have been expressed that perhaps the legislation canvasses matters too widely and does not address specifically the problems that landlords face.

Landlords may be in a very difficult situation. They might have a property in good repair, but, should a tenant do the wrong thing and, for example, leave toys, parts or broken glass out on the drive, it may well be that the landlord is faced with a difficult situation, arising from this general duty of care provision. I have an amendment to clause 3 in this respect, which I will canvass in Committee. Whilst the Opposition supports this measure, I believe we will have to wait until the legislation is actually put into practice to determine whether it should be given Parliament's full imprimatur. It may well be that it works in a way that I do not wish to see happen. Alternatively, it may make life a lot easier for various people, whether they be occupiers or people who enter land, in that it may make the processes involved where injury is involved far easier to understand and pursue. With reservations, the Opposition supports the Bill.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for this measure, which has been thoroughly debated in another place and in this House previously. The Bill now comes to this place in a slightly amended form, and I commend it to all members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Insertion of new part IB.'

Mr S.J. BAKER: I move:

Page 3—
Line 9—Leave out 'subsection (2)' and insert 'this section'.
After line 16—Insert new subsection as follows:
(3) Nothing in this part will be taken to exclude a defence based upon the voluntary assumption of risk by a person claiming to have suffered injury, damage or loss.

I have adequately canvassed the range of possibilities that can be considered by the court, and I do not wish to go on with that. If I had more time I would further debate some of those issues. The reason behind this amendment is one that concerns landlords in that they quite often do not have the capability of supervising their premises in a way that an owner/occupier does. If a person is on the spot all the time he can take remedial action immediately something happens. For example, if for some reason the ground sinks and a hole appears an owner/occupier can fill in that hole, or if a wire from a fence comes loose and is across the drive he can do something about it. A landlord is not in that situation. I note what has been said in another place on this subject, but the point about this insertion is that persons who enter and take a risk voluntarily should not be covered by the rights provided in this Bill.

The Hon. G.J. CRAFTER: The Government opposes this amendment, for reasons well known to the honourable member. I point out to the Committee that the honourable member's concern and the concern expressed by his colleague in another place is an unfounded one, because the Bill clearly provides under clause 3 17c (1) for the principles of the law of negligence to be the determinant in resolving the occupier's duty of care in these circumstances, and to provide specifically in this Bill for the sole defence based on the voluntary assumption of risk by a person claiming to have suffered injury, damage or loss I suggest brings about a degree of uncertainty in the law with respect to other defences and is to that extent an illogical course of action to take when clearly it is provided for in the law of negligence, anyway.

As I have said, that is specifically mentioned in the Bill. I will not go into a long explanation of the law, because that has been provided in response to the honourable member's colleague in another place and is on the record. Suffice it to say that the concerns raised by the honourable member are, in the Government's view, provided for in the legislaton.

Amendment negatived; clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4, line 29 (clause 6)—Leave out '(1)'.

No. 2 Page 4, lines 32 to 36 (clause 6)—Leave out subsections (2) and (3).

The Hon. G.J. CRAFTER: I move:

That the Legislative Council's amendment be agreed to.

Mr S.J. BAKER: For the third time today I congratulate the Government on its wisdom. We do not believe that it is appropriate to change the levies by way of regulation and believe that they should be subject to parliamentary scrutiny. Now that the Government has seen the light, we are quite delighted.

Motion carried.

STATUTES AMENDMENT (FAIR TRADING) BILL

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

PITJANTJATJARA LAND RIGHTS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT (STATUTE LAW REVISION) BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 5, schedule, section 15 (3) *(a)*—After 'may' insert 'be made personally or'.

No. 2. Page 5, schedule, section 15 (3) *(a)*—After 'former employee,' insert 'may'.

No. 3. Page 11, schedule, section 50 (3)—After 'employer' insert 'at all reasonable times'.

No. 4. Page 22, schedule, section 157 (2)—Leave out 'the employer's guilt will be presumed unless it is established' and insert 'the onus is on the employer to establish'.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be agreed to.

Ms Lenehan interjecting:

Mr S.J. BAKER: That is true. I was going to say that the Minister has finally seen the light of day, as I did say to his colleague on an earlier occasion. However, I would not like to miss the opportunity to remind the Minister that these amendments were those which I tabled in this House when the Minister continually said that this Bill had been agreed by the employers and the unions, and there could not be anything wrong with it that could be changed in any way. The amendments that have been moved were, indeed, my amendments, and they have been pursued in another place. I am pleased to say that people will be able to pursue monetary claims in the courts rather than relying on a registered association to do so.

I am also pleased to say that that word about employers' guilt is not going to be in the statutes—nor should it be. These were two of the areas that I vigorously debated when the matter was in this Chamber. The Opposition supports the amendments from another place. We believe that they will enhance the schedule which has been prepared so that the legislation can be reprinted. With those few words, we support the proposition.

Motion carried.

CREDIT UNIONS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4171).

Mr S.J. BAKER (Mitcham): The Opposition supports this measure. We have looked through the legislation since it was introduced into the House, and we find that the 1976 Act failed to give the Registrar the right to register names of credit unions. As such, it seems to be a very belated measure. We are only 11 years down the track, and we have found that the Registrar does not have the right to accept or, indeed, register—those bodies classed as credit unions. The new amendment makes this right explicit. It also empowers the Registrar to take certain things into account when considering new registrations or changes of name—

An honourable member: Is it retrospective?

Mr S.J. BAKER: It is, indeed, retrospective, because there are a few to catch up on. However, we do not see any great difficulty with that proposition. The areas that the Registrar has to canvass are those which the Companies Office has to canvass, and they relate to whether the name of the credit union is misleading or can be confused with another corporate body; is undesirable—and we can think of some undesirable names for credit unions which are meant to attract attention but not necessarily to enhance the cause of credit unions—and whether they conform with the directions of the Minister. The Bill is really quite simple. The Opposition supports the measure.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its support for this minor measure, albeit of important consequences for the administration of the Credit Unions Act and, indeed, the proper conduct of credit unions and their coverage by the law in this State. I will not bore the House with the details: I read them in full some hours ago. They are, I am sure, still well in the minds of all honourable members. I thank the Opposition for its indication of support and its speedy resolution of this Bill.

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

RETIREMENT VILLAGES BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 4173).

Mr S.J. BAKER (Mitcham): This is somewhat pioneering legislation and, as such, it is a great shame that it is the last item on the agenda before the winter break. It is a measure that is born, I suppose, out of some concern that we have very little control of and, indeed, could have some grave difficulties with respect to retirement villages.

I noticed, when I was watching an American program some time ago, some comments about retirement villages and the way in which they were run. I thought, 'I hope it never comes to South Australia.' It was almost like a Texas cowboy show in the way that the villages operated and were administered. We have not reached that situation in South Australia, so we are really putting up some safeguards in this legislation. The extent to which they will look after the interests of residents seems, to me at least, to be reasonable but, as with all legislation, it has to be tried to see whether it will meet the needs for which it has been promulgated.

Before I actually debate the merits of the Bill it would be useful to pay homage to the number of organisations in the non-profit area that have provided what is equivalent to retirement village facilities or ancillary-type facilities in this State. It would be remiss of me if I did not mention that organisations such as Resthaven, Elderly Citizens, the Salvation Army, the War Veterans Homes and a number of churches have determined that there is a need for elderly citizens to be able to live in a reasonably comfortable environment which is reasonably cheap and in which they can live together in a way that would not have been possible if they had to remain in their own homes.

These organisations have done a simply marvellous job. I have a number of them in my area, and I know that the quality of life offered by them is particularly high. It is often said that we need more people staying in their own homes with domiciliary care.

Domiciliary care has not advanced to a stage where it can meet all the needs of a person, particularly if they are incontinent, and it has not been developed to a stage where it can give people companionship or where people can be assured of their safety. These are the real concerns that exist in the community. There is a very strong contingent of elderly people in my area, and a number of them have told me that their lives are not worth living. The problems that they face are those of old age—of physical and mental deterioration. It is my contention that, if they lived in a village or hostel type accommodation (and some of them need not hostel accommodation but independent living units), they would be better served and would be able to

live very productive lives. Unfortunately, that opportunity is not available to a large number of our elderly citizens or, alternatively, they have not woken up to that potential.

We continue to see conflicting statements by Government authorities about the value of living in one's own home, little realising that some of these people, even if they could solve some of their physical problems, still face to a certain extent the mental traumas of day-to-day living, doing the simplest things like changing a bed and preparing a meal. Those things become very difficult. So there is a place for retirement villages for those people who still have a certain amount of mobility and reasonable mental capacities.

Retirement villages offer a very fine alternative to living at home for those people. The living at home alternative, in many cases, simply does not work. Perhaps some members have discovered that when door-knocking and talking to their constituents, some of whom are simply waiting to die. I met two constituents during door-knocking some three years ago who come within that category. However, they managed to gain some independent living accommodation, and their quality of life and the value that they derive from doing things that they could not do before has been enhanced immeasurably. So, there is a real place for retirement villages in this State. However, my great concern is that there will not be enough retirement villages to accommodate the need that exists in the community today.

In addressing this Bill we must look at what it seeks to do and whether it will achieve that end, or whether indeed it will reduce the potential for the facilities that have been supplied in the past to continue to be supplied in the future. I will address that issue later in the debate. To my mind the Bill seeks to do four basic things: first, to protect the financial interests of those people making a commitment to enter or who have entered a retirement village; secondly, it provides security of tenure for residents; thirdly, it provides a mechanism for settling disputes between residents and between residents and owner/managers of villages; and, fourthly, it protects residents from exploitation in respect of administration and maintenance charges. All those matters have been canvassed over the years.

We have had very few, if any, examples of exploitation in villages because traditionally the accommodation has been provided by non-profit making organisations, and I have already listed some of those organisations in this House. They have taken a humane view and have provided a facility which has worked. However, many people do not have that capacity because they do not belong to a church or organisation that supplies this type of accommodation.

In relation to the first item about protecting financial interests, I refer to the case which probably led to the introduction of this Bill involving a retirement village at Murray Bridge in which the Frankston Baptist Church was involved. That case showed quite clearly that under the existing legislation it was difficult—if not impossible—to protect the rights of those people investing in or making a commitment to enter a retirement village.

There are probably two areas that cause the greatest concern: first, where there has been exploitation and, secondly, where there is a financial encumbrance over a property or over a group of properties under the same interest which can then be pursued through the courts and where those people who have invested in a unit or a future right to a unit lose their investment. I was interested in the case at Murray Bridge because it was brought to my attention some three or four years ago that there would always be some risk with retirement villages unless there was umbrella legislation to cater for such people.

Clause 3 covers the payment of premiums and the securing thereof, as does clause 8, which requires it to be held in trust. The second area relates to security of tenure. Without some guidelines being laid down, it was possible for any person or any corporation or persons recognised under the law in the widest possible sense (including companies and proprietorships) to impose rules which could lead to the ejection of residents of a village, despite the fact that they may have made a substantial financial commitment to the village. It is fair to say that, unless that issue was seriously addressed, decisions could be made by an administration which would seriously impact on elderly people who often were unable to fight back. While those persons might have had a right of civil action, it would have been difficult if they had no resources to fight the civil action. As we are all aware, courts can be very traumatic for the elderly.

There have been cases where an entrepeneur or a person who could see that a dollar could be made in this area set up a village and attracted people at a fairly cheap price on the basis that, once the capital flowed in, they would obtain a higher return because the value of the village would rise. While a person could go into the village at a reasonable price, unless the law prescribed very strong rules, the person could be asked to leave and the next resident asked to pay a higher price because of the capital appreciation of the asset. Clause 7 addresses the issue of security of tenure.

The Residential Tenancies Tribunal is designated by the Bill to assist in the resolution of disputes. I have some grave concerns about the Residential Tenancies Tribunal. I have seen many abuses by those people who make decisions in the tribunal; in fact, the abuses are legion.

However, this is not the appropriate place to canvass those matters. We should not be setting up new Government bureaucracies. We can all agree on that principle during these times of stringency. Therefore, we are left with the mechanisms that we have today and, despite my reservations about the Residential Tenancies Tribunal, which I find scurrilous on occasions, it is probably the appropriate body to resolve disputes. The disputes shall indeed be reasonably easy to resolve and not of the nature of tenancy agreements, which are always fraught with considerable difficulties, particularly when someone with no resources smashes up places but stays in them until they are ejected, and the tribunal says then that it cannot do anything about it. That will not be the situation with retirement villages. Such cases should not be coming before the tribunal, which should be able to act as a conciliator in disputes rather than as a judge and jury when someone wins and someone loses.

We are all aware, from our doorknocking experience, that the elderly are often hard to get along with. They get fixed ideas in their mind and become immovable. One needs a third party to assist them in recognising the merits or otherwise of their case. So, the Opposition supports the proposition of the Residential Tenancies Tribunal settling disputes, as we do need a dispute settling body.

With respect to exploitation, which is covered reasonably under clause 10, I am reminded of the Queensland situation. I believe that a *State Affair* program outlined the situation of people who were trying to get Government action taken because the proprietor of a retirement village had, in crude terms, jacked up the service charge by about 100 per cent in the space of one year. He did this on the basis that he was allowed to do so under the rules by which he operated. These people came into the situation and suddenly found that their service charges were astronomical. So, this person was acting as a rental agency and not as an owner of a

retirement village. We do not wish that situation to occur in South Australia, and I am not aware that it has. It is best that it be guarded against.

The other matter is the protection of financial interest which will be bound up in contracts, and the Act provides that they should be fair and reasonable. There has been an extensive debate in the Upper House on this issue, and it has been handled in a very constructive fashion. Concern has been expressed that the legislation goes far wider than I or anybody in this House would have envisaged. We will have to rely on the good nature of the Attorney-General to grant exemptions for various organisations under this Bill.

Mr S.G. Evans: And all future Attorneys-General.

Mr S.J. BAKER: And all future Attorneys-General, as the member for Davenport rightly points out. The Attorney said that, in respect of hostels, negotiations are currently under way relating to the Commonwealth Act covering hostels and infirmary care. I understand that agreement will be reached on the rules that will operate in that case, so there will be a 12-month exemption from bringing them under the Act. If the matter is not resolved in that time, they will be brought under this Act. So, those organisations that run infirmary and hostel care will have an exemption for some 12 months.

Strata titles will be included only where there is no free transfer of title. That will be an interesting situation, because I am not sure of the extent to which a fetter on a strata title applies. There are a number of fetters on strata titles which give the owner a responsibility in relation to his or her neighbours under the same strata title. I am not sure where we will draw the line on that, as I am not aware of what range of possibilities can exist under strata titles.

It is pleasing to see that after discussions larger organisations such as Southern Cross Homes, which is one of the providers of independent living accommodation, in a village or enclosed situation, rather than presenting individual accounts which will be used to assess the service charges, will be able to present accounts that are based on their total operation rather than individual segments of their operation; this will make life a lot easier for those people.

It is interesting that the Bill specifically defines a retirement village as applying to persons over 55 years of age. I suppose at some stage we had to decide on an age. 'Retirement village' is defined in the Bill meaning 'a complex of residential units or a number of separate complexes of residential units (including appurtenant land) occupied or intended for occupation under a retirement village scheme.' The definition of 'retirement village scheme' or 'scheme' states:

> a scheme established for retired persons and their spouses, or predominantly for retired persons and their spouses.

It is the word 'predominantly' that will define whether or not something is a retirement village. It does not cater for the case of the disabled. One of the members opposite has a particular interest in this area; we have the equivalent of a retirement village for disabled people in my own electorate associated with Bedford Industries. It does not address this issue under the Bill, because they are specifically excluded, as one must generally be over 55 years of age. That is the concept which is applied in the Bill. In one way it may not take into account some of these wider areas which have as much right to be included in this area.

I have some concerns about this Bill and I will briefly relate them. With new legislation, we must see how it works before we can pass judgment on it. I believe that the legislation is probably overdue in this State. I note that Victoria is already under way with its legislation and that moves are being made in other States. It is essential that we have legislation covering this area. To that extent I am reasonably satisfied with the Bill, given that there are a number of conflicting needs that must be met in this situation.

Some areas will cause difficulty, particularly relating to possible conflicts between administering authorities and residents concerning special charges or when the cost of running an establishment exceeds the available resources that have been collected. There are concerns about the period during which people can be removed from a village if they are felt to be a menace or mentally and physically incapable of belonging to that village.

There is a concern that older people will resist change and improvements. One of the things that I have learnt about some elderly people is that, for various reasons (perhaps because they went through Depressions and various other things) they like to hang onto their money and, if they are asked to spend some money where it is needed, it may well not be forthcoming because of the requirements of this Act.

My next concern relates to whether we will promote the building of retirement villages where there is a need when the ability to finance those villages may somehow be encumbered by this Bill and the relationship of invested money. The final area that I wish to canvass relates to harsh or unconscionable rules. I imagine that, when we get into the areas of money and those people who should or should not be residing in the village, this will be the subject of some interpretation. The Act says quite specifically that, if there are some harsh or unconscionable rules, they shall be void. When we get into that area, it is left to the courts to interpret it, but a harsh or unconscionable rule in a general situation may be even more harsh or unconscionable in a retirement village situation. Equally, rules that are there to protect people from themselves (and in some cases we are dealing with very elderly people) may be deemed to be harsh and unconscionable but in the best interests of the people concerned. I am concerned about clause 11, which provides:

> If a residence rule, or a provision of a residence rule, is harsh or unconscionable the rule or provision is void.

We do not have any further explanation. We do not know how it will be interpreted. If the premises that are already in existence suddenly find that their rules have been interpreted by the courts as being harsh or unconscionable, it will cause great difficulties down the line. They will find themselves in a very difficult situation.

Many submissions have been received on this subject. A submission was received from the Law Society; we received a very interesting letter from Mr Theo Koch, who extolled the virtues of the work done by charities. We have received submissions also from interested organisations such as the Real Estate Institute and the South Australian Council of Social Service, which actually issued a pamphlet called 'Rights of Tenants'. I note that some of the matters included in that pamphlet are on our wish list, but it would be very difficult to make them mandatory. At least it was a contribution in the right spirit and the right vein.

There have been a number of other contributions on this matter. I believe that everybody who has corresponded with the Opposition (and I presume with the Government) has also seen that there is a need for legislation. They want the legislation to be in the best interests of all concerned without limiting the future expansion of retirement villages. I will canvass some of the issues in the Committee stage. To that extent, I welcome the legislation, which is very necessary, as far as I am concerned, and I commend the Government.

Mrs APPLEBY (Hayward): The Ministerial Council for Companies and Securities decided in 1985 that retirement

villages should be specifically excluded from the prescribed interest definition in the Companies Code. This was to be effective from 1 July 1987 and meant that if individual States did not pass retirement village legislation there would be no effective regulation of these developments. Victoria passed a Retirement Villages Act which was assented to on 23 December 1986.

The South Australian Bill has been based on the Victorian regulatory regime but has been amended in consultation with the South Australian industry to ensure that, as far as possible, there are no unwarranted or unforeseen effects on the industry. Since the tabling of the Bill in the other place, there has been extensive consultation with representatives of all interested retirement industry groups, including private developers, SACOSS and members of the Voluntary Care Association. Each group has been contacted at each stage of development of the Bill and has had an opportunity to comment on amendments.

The Attorney-General has already indicated that religious and charitable organisations, in receipt of recurrent funding from the Commonwealth under the Aged and Disabled Persons Homes Act, will receive a total exemption from the legislation in relation to units occupied by persons receiving that Commonwealth funding for a period of 12 months. During the 12 months those organisations will be able to put into place arrangements with the Commonwealth that will provide for residents equivalent protection to that offered by the Bill. This exemption has been fully discussed with the Voluntary Care Association, and its members are supportive of it. The purpose of the exemption is to ensure that, in relation to units that are being recurrently funded by the Commonwealth, there is no duplicity of regulation and a consequent cost to the very important charitable and religious sector of the market. If the arrangements are not in place or do not cover the field, the exemption will be rescinded so that the Retirement Villages Act will cover any gaps.

The definitions in the Bill are very widely defined in order to catch any retirement village scheme as defined in the Bill where a resident pays a premium in consideration for or in contemplation of his or her admission to the village. This means that not only totally resident funded developments but also developments where there is a substantial premium paid for retirement village accommodation will be caught. The definition of 'premium' allows for the setting of a premium ceiling by regulation under which the Bill will not apply. As yet this premium has not been determined. The major difficulty in setting too high a premium is that it could let into the market some of the less savoury operators who are taking a small but still substantial lump sum in payment for accommodation which can in no way be guaranteed as secure.

As with the Bill, it is intended that all regulations to be made under it will be discussed with the industry in the same consultative manner. Apart from the already specifed exemptions to the religious or charitable organisations and the setting of the premium ceiling, it will also be possible for operators to gain exemptions from the legislation or any section of the legislation through application to the Minister. This exemption power is extremely wide and is necessary because of the ubiquity of the market. It is simply impossible to know who exactly will be caught by the legislation. In order to gain an exemption from the legislation, however, it would seem at this stage that it will be necessary to demonstrate that other arrangements are in place which give the same protection as provided in the legislation.

I shall now outline the basic thrust of the legislation. These matters have been brought to my attention over a period of time. A residence contract must be in writing. There must be a cooling off period of 10 days. A resident is entitled to certain disclosure documents, which he can peruse and seek legal advice on during the cooling off period. It is a criminal offence not to provide that information. A resident's right of occupation can be terminated only in the ways provided in the legislation, and any dispute concerning termination must be referred to the Residential Tenancies Tribunal. A notice of termination must include notice of the tribunal's role in confirming terminations. Premiums paid in anticipation of receiving the right to occupy retirement village accommodation must be held in a trust account until the retired person occupies the accommodation.

The residence service contract may be enforced against whoever is the administering authority of the village at the time. Similarly, the refundable amount of a premium may be recovered against the administering authority and, additionally, the rights to recover the premium are to be a charge on the land of the retirement village. The Supreme Court may approve the enforcement of the charge, subject to any conditions. A meeting of residents is required to be convened each year at which accounts for the previous financial year in relation to recurrent charges must be presented. Further, estimates of income from recurrent charges and the expenditure of that income for the next 12 months must be presented. Residents must have a reasonable opportunity to put questions to the authority at any meeting convened by the authority, and it must ensure that, as far as practicable, the questions are properly answered. Recurrent charges cannot be increased beyond the level justified by the estimates of expenditure presented at the meeting, but a special levy may be imposed, if authorised by a special resolution passed at a meeting of residents. A substantial penalty of up to $10 000 may be imposed for contravention of these provisions.

The Residential Tenancies Tribunal will have the power of striking out residence rules which are harsh or unjust. The administering authority is required to provide at the residents' request copies of the residence contract and the residence rules. Additionally, and importantly for residents in receipt of pensions, the administering authority must on request supply a statement of the amount to which a resident is entitled, by way of a repayment of premium at any particular time. If residence rules are amended, the administering authority must issue an amended set of rules to every resident. The residents have a right to elect a residents committee to represent their interests. The Residential Tenancies Tribunal is specifically empowered to resolve disputes arising between the administering authority and a resident of a retirement village. It may give such directions as it thinks necessary, and failure to comply with a direction could subject a person to a penalty of up to $2 000.

Clause 18 of the Bill forbids certain persons from being involved in the administration or management of a retirement village. In addition to involving persons who are insolvent or have been convicted for fraudulent activities, it also forbids the involvement of persons who have recorded a conviction for an offence. Schedule 1 to the Bill contains a transitional provision which will ensure that those villages currently under the regulation of the Corporate Affairs Commission, through its powers under the Companies (South Australia) Code and the Securities Industries (South Australia) Code, will remain so regulated until the Corporate Affairs Commission is satisfied that regulation under the Retirement Villages Act will provide residents with the same level of protection as the Act can provide to residents of new retirement villages.

The Corporate Affairs Commission will take account of the financial position of the village and, in particular, any outstanding charges on the retirement village land. Under the Companies Code regulation, it is a provision of trust deeds that ongoing premiums received from residents should be paid firstly to the financier so that the development mortgage can be redeemed as soon as possible. The Government is concerned that these provisions should continue to operate until the village title is cleared and the residents can take first priority for their refundable premiums under the Retirement Villages Act.

Schedule 2 to the Act contains a check list which will be required to be given to all intending residents, among other documents, before the 10-day cooling-off period can begin. This schedule is based on the schedule to the Victorian Retirement Villages Act. Residents should be alerted to questioning their security of tenure and rights to be involved in the selling of their units and time delays in the repayment of refundable premiums by the matters under the headings 'legal implications' and 'financial matters'. It is a difficult matter to interfere in the financing arrangements of a retirement village promoter by putting strictures on the time in which refundable premiums should be repaid. However, residents should be aware of any likely delays, and the marketplace will then determine the conditions on repayment that promoters are prepared to give.

I note that clause 6(3)(c) of the Bill allows for the prescription of any other documents that should be given to a person at the commencement of the cooling off period. I strongly suggest that, when the regulations are drafted, consideration be given to the requiring the highlighting of any contractual restrictions on the resale of units and the repayment of refundable premiums. This should alleviate some of the problems in this area.

After making representation for the past two and a half years, I am delighted with the content of this Bill. I indicate that there are a number of specific matters on which I will continue to keep a watchful eye. I would like to thank the many people who have expressed their concerns to me and who have sought my representation on specific issues and anomolies, a number of which I now see addressed in this Bill. The Commissioner for Corporate Affairs has been most helpful in addressing each issue raised by constituents, and the Commissioner for the Ageing and his staff have acted in an advisory capacity in relation to a number of most sensitive matters for which I have sought assistance for aged persons. I strongly commend the Bill to the House.

Mr MEIER (Goyder): Due to the lateness of the hour—it is nearly 11 p.m.—I do not wish to speak for any length of time on this Bill.

Mr Becker: Will you be reading your speech?

Mr MEIER: I will certainly not be reading my speech—but that has nothing to do with the debate tonight. I was very pleased to be able to assure people from certain retirement villages in my electorate who made representations to me that their concerns and their input would be forwarded to the shadow Minister of Corporate Affairs (Hon. Trevor Griffin). His contribution to the debate in the other place covered all the various points that I had before me, matters that I would reinforce in the debate in this place if it were not so late in the evening.

Anyone who wishes to follow the passage of the Bill through the House of Assembly would be well advised to look at the debate in the other place and the remarks made by the Hon. Trevor Griffin. The Opposition's proposed amendments are essential to ensure that the Bill comes out of the Parliament in the most positive way possible. I urge all members to seriously consider the amendments.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr S.J. BAKER: The obvious question in relation to clause 2 is when will it happen and when will the Bill be proclaimed?

The Hon. G.J. CRAFTER: It is proposed that the Bill be proclaimed to come into effect from 30 June this year.

Clause passed.

Clause 3—'Interpretation.'

Mr S.J. BAKER: I have a number of questions about this definition clause. Will the Minister explain to the Committee which organisations will be exempt from the provisions of paragraph *(a)*? When speaking in relation to the all encompassing nature of the Bill the Attorney-General said in the other place that he was throwing the net very wide and that he was going to drag it in and take in only those areas deemed desirable. I note a conflict between the definition of 'residential unit' and the definition of 'service contract'. 'Residential unit' is defined as follows:

> 'residential unit' or 'unit' means premises or a part of premises designed for separate occupation as a place of residence and includes a hostel unit:

'Service Contract' is defined thus:

> 'service contract' means a contract . . . for the provision to the resident of—
>
> *(a)* hostel care;
> *(b)* infirmary care;
> *(c)* medical or nursing services;
> *(d)* meals;

and so on. I presume that that definition means that there can be an infirmary within a retirement village. However, the Attorney-General, when explaining the Bill and responding to questions, said he was throwing the net over everything, including nursing homes. Can the Minister clarify that situation? Finally, there is the question of the special resolution requiring 75 per cent agreement by residents. That may well be impractical, because we are all aware that elderly people hold on to their money more tightly than younger people and may resist any proposition which means that they have to pay any monetary increase to improve a village.

The Hon. G.J. CRAFTER: Before we finally determine what categorises a premium, which I think was the honourable member's question, and what organisations fall under that heading, there will be further consultation with the industry before final decisions are taken. I give that assurance to the honourable member. With respect to the net embracing nursing homes, it is important to realise that 'nursing home' is a name used for a multitude of functions and it is possible that that term can be used for, in fact, resident funded units of one form or another. So, it is necessary to cast that net broadly, but of course, for it to be administered sensitively so that it achieves the objectives of the legislation and does not necessarily bring into its ambit organisations providing services which were never intended to be covered by this Bill.

I will take this opportunity to say some words that I was going to say during the second reading debate. It is important that I take a moment of the Committee's time to acknowledge the work that has been done in bringing this legislation forward. I thank the Commissioner for Corporate Affairs, his staff and all officers who have been involved in discussions over the past several years that have brought about the Bill before us. It will provide protection not only for those citizens who invest in retirement villages of the

type that we are covering in this legislation, but it is very important also to provide more adequate protection for investors and developers, whether commercial or non-profit making.

Indeed, in the latter category there are many organisations, including churches, which have, with all the best will, gone into ventures of this type and found that they did not have the expertise or that circumstances have changed quite rapidly and their dreams have been shattered along with those of the people who have invested in them, often within those church communities. So, this legislation is very important to the status and to the confidence that the public has in retirement villages and in those organisations that invest heavily by way of time and resources in providing care for the aged in our community. I place on record the Government's appreciation for the work of the department and all organisations and individuals who have assisted in one way or another in bringing forward this Bill in the form in which it appears today.

Mr S.J. BAKER: I take the point that it is difficult for the Minister to be explicit on those organisations that will be excluded from premium requirements. I ask how wide is this umbrella. I give the example that is not uncommon among a small group of nursing homes to require exorbitant prices to be paid for a bed. I presume that this would not come under the legislation, because those beds are in a ward situation and not in a separate accommodation situation.

I recently had an example of a constituent who had to pay $5 000 for the right to a bed, an amount that was not refundable on death. It seems to be more and more commonplace, because of the stringency on funds from the Commonwealth, that certain nursing homes are requiring what I class as quite extraordinary payments to be made up front irrespective of how long a person will have a bed.

The person may be there for a very short or a long period of time, but I would not have thought that a non-refundable amount of, say, $5 000 was in order. I recently came across a situation—not from my constituency but from another—where a person contracted for a bed and paid over about $2 500. That person then had a mental problem which was deemed to require care at Glenside, and found on return that no bed was available.

There are some concerns in this area because of the changes that are taking place and the fact that the Commonwealth Government is not meeting its responsibilities in terms of aged care. We have all had examples of where people just cannot get the accommodation they require, whether in a hostel or in an infirmary situation because of the way in which the Commonwealth is currently applying the rules and, certainly, because of the way it is funding this area.

Can the Minister clarify whether the residential unit, as defined, is the criterion which will be applied in those situations, which will mean that in a ward of more than one bed—which is, by definition, a ward, I guess—they will not be covered in that situation?

The Hon. G.J. CRAFTER: There are a number of facets to the honourable member's question which I will attempt to put into context. First, clause 4 contains very wide exemption powers which obviously will facilitate the situation to which the honourable member refers. The primary responsibility for those institutions of the type which have been referred to, I would suggest, is vested in Commonwealth legislation, and the Commonwealth is currently negotiating with that sector about the way in which it operates the funding of those services.

So, it is envisaged that there will be an exemption of those institutions for a period of time whilst those discussions are taking place with the Commonwealth Government; that is, those institutions that receive recurrent funding from the Commonwealth—nursing homes or hostels. The problems to which the honourable member has alluded and of which I am sure we are all aware may well be resolved without recourse to this legislation. Whether they are eventually brought under the umbrella of this legislation will depend upon the outcome of those consultations.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Cooling-off.'

Mr S.J. BAKER: The legislation provides that there shall be a fine of $20 000 if a contract is not given to the resident. That raises a number of questions. As we are all aware, some residents are incapable of interpreting or understanding contracts anyway. The second point is that surely the general laws should apply in a situation so that where a contract is in no way going to affect that person's entry into that village, why should we apply a penalty of $20 000.

I would have thought that, if the legislation is going to work properly, we should be applying it in those situations where someone has deliberately not given someone a contract as a basis for his or her entry into the village, rather than saying that if one is an adminstrator and has not given someone a contract one could be fined up to $20 000. I believe that that could perhaps have been better handled under this clause.

Clause passed.

Clause 7—'Termination of residence rights.'

Mr S.J. BAKER: I am after a legal interpretation. Does clause 7 conflict with clause 9? On the one hand, it provides that a person has ultimate right of occupancy; on the other hand, of course, if something should go astray with the administration of a retirement village such that there has to be a sale of those premises, with the residents having first right to claim on the assets, there would seem to be some conflict between the two concepts.

The Hon. G.J. CRAFTER: I think the simple answer is that there is no conflict between the provisions of clauses 7 and 9. This Bill does not provide for a retrospective element to its effect; therefore, the concern of the honourable member I think is negated.

Mr S.J. BAKER: Some concern has been expressed—and I expressed it during the debate, though I know it was debated at length in the Upper House—as to the time to be allowed for resolving matters of dispute as far as tenancy is concerned in situations where people are deemed to be no longer suitable to live in those premises. There will be situations where it becomes untenable for people to live in those premises, perhaps through physical or mental deterioration. There is the other case, of course, where the resident concerned does not live up to the obligations as specified in the contracts under the residence rules.

The other place spent some time debating the merits of whether the lapse of time should be as great as (I think they came up with) a total of 88 days before the matter could be resolved. My intention is just to raise the matter—I know it was thoroughly debated in another place—that the Residential Tenancies Tribunal will in urgent cases address the matter within seven days and in less urgent cases within 21 or 28 days. My knowledge of the Residential Tenancies Tribunal is that it never gets off its backside that quickly, but we may have some hope under this Bill. There is always this problem of how to resolve disputes very quickly, whether they be disputes between tenants or disputes between owners or, indeed, disputes of tenancy itself, where someone's tenancy becomes untenable. Will the Minister be guaranteeing that a report will be issued by the Residential Ten-

ancies Tribunal which canvasses the matter of response times to such issues as those that I have mentioned?

The Hon. G.J. CRAFTER: It would be a brave Minister who gave guarantees that *quasi* judicial tribunals will do what Ministers require of them. Whether that is desirable, anyway, is another question. Obviously, they take account of the legislation under which they are asked to operate and, clearly, there are circumstances here which do require a speedy resolution. With respect to the honourable member's more broad, sweeping criticisms of the provisions for persons who are deemed to be no longer suitable to reside in accommodation because of physical or mental incapacity or similar circumstances, I can only say that this Bill provides for a much enhanced position with respect to the rights of those persons and their ability to resolve disputes than does the present situation, which invariably provides few rights at all unless they are provided under the terms of the contract, and I understand that that is quite rare. While I can understand that this provision will not meet the precise needs and ensure speedy resolution in every case, it certainly is a vast improvement on the current circumstances in which, unfortunately, so many people find themselves.

Mr S.J. BAKER: I was not criticising the Bill: I was canvassing the situation where a dispute occurs. We find that it is better to get to the heart of the dispute very quickly. If matters are not resolved, the problems increase. As everyone would understand, where two neighbours are trying to cut each other's throat, the longer the dispute is left without a third party intervening, the worse it becomes and the more unreasonable the participants become. We are dealing with elderly people and, whilst they might be quite lovable, they can be totally unreasonable.

The Hon. B.C. Eastick: We are all going in that direction.

Mr S.J. BAKER: Yes, I guess we will all be unreasonable. We should try to speed up the process for settling disputes.

The Hon. G.J. CRAFTER: The very fact that a tribunal has been established to resolve disputes presumably will mean that the administering authorities will have much more incentive to resolve disputes because they will know that swift action will be taken further down the track if they cannot resolve these matters themselves. I believe there is an inbuilt incentive in the legislation that may well overcome some of the inordinate delays and lack of resolution of these important matters that occur at present.

Clause passed.

Clause 8—'Premiums.'

Mr S.J. BAKER: Under this clause, premiums must be held in trust. However, people may get together and say, 'We wish to develop our community village.' We have already been told that certain charitable organisations, possibly those with very strong track records, will be granted exemptions. What will happen if the owner of a property is a corporation or an entity that is set up for that purpose and the moneys put forward are directed to the building of premises? We would not want that money to be held in trust while a phantom built the premises. Obviously, when we are talking about premiums we are talking about considerable sums for the building of such premises—and so they should be. How will the legislation handle that contingency?

The Hon. G.J. CRAFTER: Very simply, the commission can grant exemptions after proper scrutiny of the proposals of certain organisations, and it is appropriate that those organisations be exempted. Clause 8 provides that that exemption may be conditional or unconditional and, of course, there are sanctions related to failure to fulfil those conditions. I suggest that there are checks and balances to provide, first, for proper scrutiny to ensure that funds will be expended in the manner stated and not siphoned off into other areas of activity not related to the substantial proposal and, indeed, there are conditions to be applied under the definition. The situation will be monitored by the commission. I suggest that the checks and balances are adequate.

Clause passed.

Clause 9 passed.

Clause 10—'Meetings of residents.'

Mr S.J. BAKER: This clause sets out the way in which meeting of residents will be formed, and one of the matters to be considered is recurrent charges. If the conditions are not complied with, a penalty of $10 000 can be imposed. If a meeting is not convened properly, there is an offence against this provision, the fine for which is $10 000. That is quite ridiculous.

I also question the recurrent charges and the special levies. I have said twice already that there will be difficulties when villages wish to enhance their facilities. The administrator may say, 'We need certain things in this village, because it is in a state of disrepair.' Everything is not perfect when people first go in, and further improvements may be required.

While recurrent charges may cover ongoing maintenance and while it is stipulated that moneys must be set aside for painting and so on further down the track, residents may not agree to the imposition of a special levy. Having dealt with a number of elderly people, I know what can happen. People may not be willing to pay the special levy, and that may detract from the facilities in the village. How do we get around the problem where an administrator says, 'We need a shop, a bowling green or a spa for some of the older people' but people say 'We will not pay the special levy.'? Essential items may have to be added to the village to provide the quality of life about which we all dream. How do we get around this issue? The Bill does not provide for that.

The Hon. G.J. CRAFTER: Regarding the first matter that the honourable member raised, I point out that under clause 19 (1) the Supreme Court may, on the application of any person, excuse that person from the consequences of inadvertent non-compliance with a provision of the legislation. While it is necessary to impose penalties for improper conduct of the affairs of corporations, an outlet is available in the circumstances to which the honourable member referred.

All I can say in regard to the second matter is that it is important that there be a degree of certainty with respect to the contract into which people enter when they purchase the right to enter such accommodation. The honourable member's concerns would undermine the certainty and the planning, particularly the financial planning, that has been undertaken with respect to the likely charges that flow from that contractual obligation. Obviously, this matter leads to the amendment that the honourable member has on file.

Mr S.J. BAKER: I move:

10. page 7 lines 32 to 37—Leave out subclauses (8) and (9) and insert new subsections as follows:

(8) Subject to any contrary provision in a residence contract—

(a) the recurrent charges payable by a resident cannot be increased beyond a level shown to be justified by estimates of expenditure presented to a meeting of residents under this section:

and

(b) a special levy cannot be imposed on a resident unless authorised by a special resolution passed at a meeting of residents.

My amendment really cavasses exactly what I am saying, and it gives a person the right to include certain items in a contract. There is already protection under this Bill in that

contracts must be in the standard form and must be fair and reasonable. So, while there is this general blanket coverage, the Opposition deems that there should be contrary provisions in certain cases. It is not so important when you are dealing with a large charitable organisation which has villages that are spread over the length and breadth of Adelaide and in some country areas. However, when we are talking about a one-off situation, it is far more difficult, I contend, for residents to reach agreement.

It may well be appropriate to have a provision in the contract which allows for a different charging method than is the case under the Bill, but I realise that that is inconsistent with the premise of the Bill itself. However, I bring to the Committee's attention (and I have moved my amendment to bring this matter to the Committee's attention) that we are getting into a very tight situation which may not be able to be resolved. The end result may be that the losers will be the very people whom we wish to protect.

The Hon. G.J. CRAFTER: The member said that he rises on this clause to make his point. However, the Government rejects his philosophy. The member is correct when he says that the amendment is quite contrary to the whole thrust of the legislation. In fact, it would negate the purport of the legislation because it would allow the authority to contract with residents to have no restraint on increases and charges, thereby clearly negating the effect of the legislation as it has been introduced. So for those very simple reasons the Government opposes the amendment.

Amendment negatived; clause passed.

Clause 11—'Unreasonable residence rule.'

Mr S.J. BAKER: I simply make the point that the clause contains a bland rule, as follows:

> If a residence rule, or a provision of a residence rule, is harsh or unconscionable, the rule or provision is void.

I presume that that will be subject to the interpretation of a court, yet there is no guidance in the Bill as to what will be regarded as harsh or unconscionable. That is totally different from the normal situation. There will be a difference in interpretation between what is normal for the general population and what is normal for this group of people.

The Hon. G.J. CRAFTER: There is provision in the residential tenancies legislation for similar harsh and unconscionable provisions to be ruled void. Indeed, we have had this debate a number of times on various pieces of legislation and most recently on the Fair Trading Bill, I think, where the member rejected a provision to strike out harsh and unconscionable clauses in contracts.

This has been a matter of concern in common law for many centuries. It really is well established at law what is meant by 'harsh and unconscionable'. The phrase is no stranger to the law and to the courts, which ultimatley must decide, and it is certainly no stranger to practitioners of the law. So it is important that we have equitable principles such as this written into the legislation. I believe that the meaning is clear and capable of clear resolution.

Clause passed.

Clauses 12 and 13 passed.

Clause 14—'Tribunal may resolve disputes.'

Mr M.J. EVANS: First, subclause (6) provides:

> This section does not derogate from the jurisdiction of any court.

Does that open the way for parallel proceedings before a court and the tribunal to run simultaneously with potentially conflicting results and administration difficulties for the people concerned? Secondly, when a matter is heard by the tribunal, what rules of proceedings will apply? Will they be the rules of proceedings and provisions for contempt as applicable to the Residential Tenancies Tribunal legislation itself or will separate rules be made and, if so, under what provision?

The Hon. G.J. CRAFTER: With respect to the member's first point, it is for the aggrieved person to choose the remedy through this legislation or to appear before a court. The member's second point related to the procedures to be followed by the tribunal. They will be the procedures and powers of the Residential Tenancies Tribunal with respect to contempt and other like matters.

Mr M.J. EVANS: I am not quite certain whether the Minister responded to my point about subclause (6) and whether there was an opportunity for parallel and conflicting decisions. If a resident chooses to go to the tribunal because it is easier and cheaper to do so, can an administering authority go before the courts and mount parallel proceedings which could run simultaneously and produce conflicting results?

The Hon. G.J. CRAFTER: I understand that, if you appear before the tribunal and are not satisfied with the resolution of the matter, you can take the matter further and appeal to the courts. However, if you take the matter to the courts in the first instance, that ousts the jurisdiction of the tribunal, which is clearly an inferior forum.

Clause passed.

Clauses 15 to 17 passed.

Clause 18—'Certain persons not to be involved in the administration of a retirement village.'

Mr M.J. EVANS: Quite properly, people who have committed a number of offences involving dishonesty and fraud and those who are insolvent are excluded from the administration of a village. Do I take it then that offences constituted in this legislation are not covered unless they specifically relate to dishonesty and fraud? Why would persons convicted of failing to give proper information and so on—which is not necessarily dishonest or fraudulent but certainly seems applicable—not be excluded?

The Hon. G.J. CRAFTER: My understanding is that the offences must relate to dishonesty or fraud, as provided in the legislation.

Mr M.J. EVANS: So a person convicted of multiple offences under this legislation, such as failing to give proper information or whatever, or disobeying the provisions of the legislation, can remain in charge of a retirement village?

The Hon. G.J. CRAFTER: The member raises an interesting point. The question is whether offences would be created where there was no fraud or dishonesty. I think it is a moot question as to whether evidence was available. I think the matter would have to be kept under review to see whether the behaviour occurred. Those involved in the preparation of the legislation do not believe that that is a major problem. Obviously, we will have to see what experience evolves from the operation of the legislation.

Clause passed.

Clause 19 passed.

Clause 20—'Appeal.'

Mr M.J. EVANS: This provides for appeal to the Supreme Court against any decision of the tribunal which relates to the settlement of disputes and the like. Under the Residential Tenancies Act, appeals are excluded where the value is less than a specified figure. From memory it is about $2 000. Routine matters cannot be appealed out of the tribunal under the Residential Tenancies Act. In this case we are dealing with people who are retired and of limited means as against an associaton or controlling authority which may well have very substantial means. If every decision of the tribunal is subject to appeal to the Supreme Court at $1 000 a day for QCs, the tenants would be subject to some considerable disadvantage, which does not apply to tenants of

ordinary landlords because appeals are excluded from decisions of the tribunal under the Residential Tenancies Act. I wonder why the Government did not follow the same course of action because, by permitting appeals across the whole spectrum, it necessarily creates a difficulty for people of limited means.

The Hon. G.J. CRAFTER: It is the Government's preferred position that the jurisdiction of the court not be specified. It was on the insistence of the Opposition in another place, that 'Supreme Court' was inserted. In fairness to that view, it should be said that very substantial sums of money are involved in the consideraton of premiums and the investments that persons make. It is not entirely inappropriate that the Supreme Court be referred to. However, the Committee must be mindful of the circumstances to which the honourable member has referred: that is, that this Bill deals with people who are, in many cases, of limited means. To insist that the right of appeal of those persons is direct to the Supreme Court may well turn out to be harsh and may not afford them the remedy that is intended by the legislation. The Government must make sure that it keeps an eye on proceedings under this measure.

Clause passed.

Clause 21 passed.

New clause 21a—'Exemption from land tax.'

Mr S.J. BAKER: I move:

Page 10, after line 31—Insert new clause as follows:

21a. Land in a retirement village is exempt from land tax.

This is a very straightforward provision. In another place, the Attorney-General said that this provision cannot be applied because of umbrella-type legislation, under which it is not appropriate and right that everybody should be exempted from land tax. I remind members in this Committee that all these little exemption provisions exist in the Bill so that it is within the bounds of Government to do virtually anything. I will not extend the time of the Committee by dealing with this issue. The member for Hanson has something to say about land tax exemptions. The Premier has displayed a very hypocritical stand on this whole matter. He said that he could see the problem but that the Government would not do anything about it just yet and would address it in the next budget. It is an important issue. People should not pay land tax on retirement village accommodation.

Mr BECKER: I support the amendment. The issue has been well discussed in this Chamber previously and the Government's attitude is discriminatory with regard to those persons who occupy their own unit within a retirement village. This morning I received a letter from the Minister of Lands. I wrote to him on 18 March concerning site values of the Fulham Retirement Village. The Minister states:

The Valuer-General has advised that the valuations have been checked as a result of your inquiry, and the site value of each unit has been reduced to $19 500 having regard to sales of similar complexes.

In effect, this means that the valuation has been reduced by $2 000 per unit from $21 500 to $19 500. It also means that land tax on individual units will be reduced from $437.70 to $394.25 or $43.45 per unit. The management of the Fulham Retirement Village decided that they would not pay the land tax when it became due and were subject to a 5 per cent fine, which equated to $21.88 per unit. Because I appealed against the valuation and was successful, that fine will now be waived. In all, the residents of the Fulham Retirement Village have been saved some $65.33 since I raised this issue. Even so, I still consider that land tax of $394.25 on principal place of residence is a terrible impost, particularly for persons who have carefully planned their retirement in an estate and in a residential environment of their choosing which they believed could support their style of retirement.

It is a tragedy that members in another place did not accept the amendment that was proposed by the shadow Attorney-General (the Hon. Mr Griffin). The cost to the Government is not all that great and in this financial year land tax could have been waived. The whole idea of this amendment is to waive the land tax on all retirement village property so that there will not be a great impost on the residents of those retirement units. Again, the Deomocrats, who hold sway in this State, will pay the penalty. My constituents have been reminded by way of circular letter this morning and will be reminded in future that those who say that they hold the balance of power in this Parliament denied them the opportunity of receiving democratic justice. The only way that the position can be retrieved is to support the amendment before the Committee.

Mr S.G. EVANS: I support the amendment, with one doubt. I support it because I believe that there are not many retirement villages with assets of any major significance. I know that some have swimming pools, small bowling greens or clubs associated with them and by excluding them from land tax we are including more than just the principal place of residence. Because there are very few retirement villages with major assets, I am prepared to support the amendment at the moment, realising that at some time in the future some group might build a huge complex with an 18-hole golf course, swimming pools and even small theatres. In this amendment those properties would be excluded from land tax if they are part of the overall village concept. That would be a concern because there are none in that category at the moment.

However, I support the amendment because I believe that land tax on the principal place of residence is in conflict with what Parliament intended. It was brought about because strata title provisions had not been achieved by those living in such units. I support the amendment but express my concern about the future if this amendment remains in place and no other provision is made later.

The Hon. G.J. CRAFTER: Clearly the Government does not support the measure and the Upper House did not either, for the most proper reasons. It clearly affects the revenue of the State, and the Premier has stated to the Parliament and publicly that this matter will be addressed in the coming deliberations on the 1987-88 budget. Clearly there is an anomaly. Honourable members have to address the circumstances that brought about this anomaly and determine why these resident funded units—the legal structures that provide their entity—are designed, in such a way as to bring down this impost upon the residents, and, one can suggest, provide benefits for some of the developers in these circumstances. In other cases, they are caught by the inequities of the current law, and the Government intends to provide the redress in the appropriate way in due course.

The Committee divided on the new clause:

Ayes (13)—Messrs Allison, P.B. Arnold, S.J. Baker (teller), Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Gunn, Meier, Oswald, and Wotton.

Noes (23)—Mr Abbott, Mrs Abbleby, Messrs L.M.F. Arnold, Blevins, Crafter (teller), De Laine, Duigan, and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Keneally, and Klunder, Ms Lenehan, Messrs Mayes, Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Ingerson, Lewis, and Olsen. Noes—Messrs Hemmings, Hopgood, and McRae.

Majority of 10 for the Noes.

New clause thus negatived.

Remaining clauses (22 and 23), schedules and title passed.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a third time.

Mr S.G. EVANS (Davenport): As this Bill comes out of Committee, I want the House to know that the Bill came to the House today. It was not made available. I chose not to speak upon it because I had read enough about it and because it was late. The principle involved is bad and as a Parliament we should wake up to the fact that the Parliament is being treated as a joke by the Executive. I object on that basis, even though I support the Bill in its final analysis.

Bill read a third time and passed.

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That Standing Orders be so far suspended as to enable the House to sit beyond midnight.

Motion carried.

ADJOURNMENT

The Hon. G.F. KENEALLY (Minister of Transport): I move:

That the House at its rising do adjourn until Tuesday 12 May 1987 at 2 p.m.

I take this opportunity briefly to say a few words, as has been traditional for the Parliament twice a year—at Christmas and on the completion of the session in the Lower House. The session that we have just completed has been a good one in that we have not had long tortuous nights of sitting that we had to endure previously in this place. That is a result of the change to Standing Orders. It is useful for people, in looking back on the session, to be aware of the amount of legislation that has been processed. It has involved an incredible number of Bills—probably the heaviest legislative program that this Parliament has addressed for a long time.

I pay a tribute to the Table staff, the parliamentary staff and the attendants who look after the needs of the Parliamentarians. The attendants have had to experience some difficult times, but they have always been able to look after the needs of members with a great deal of generosity and good grace.

I particularly wanted to thank the staff in the dining and refreshment rooms who have traditionally added a bit of joy, I guess, to the lives of Parliamentarians in this rather strange environment in which we live. I also want to pay a tribute to Irene Fairhurst. All of us have known her as Irene, but until this evening I did not know her surname. She will be leaving the employ of the Parliament in June or July of this year, and I think she will be very sadly missed. She has been a great friend of all members and, on behalf of my colleagues on the Government benches, I want to wish Irene the very best in her retirement, and hope that she has many happy and enjoyable years and is able to experience the happiness that she has in part been able to contribute to this place in a sometimes very difficult environment.

I would also like to thank the *Hansard* staff very much, particularly as I know that, when I read my speeches the day after I have made them, they are much better worded and the English is much more appropriate than it was when I expressed my thoughts. I certainly thank *Hansard*, on behalf of all members, for a very good job.

I think it is the pause that refreshes and I hope all those members who feel a trip coming upon them to improve their capacity to represent their electorates come back much better for that trip and that everyone returns happier and hungry for work, because I think that we will have a very heavy legislative program commencing in August. I wish everyone the best of luck in the meantime.

The Hon. JENNIFER CASHMORE (Coles): On behalf of the Leader of the Opposition and my colleagues, I am very pleased to support the motion and, in doing so, reaffirm the tributes that the Minister has paid to the staff of Parliament House. In particular, we would like to acknowledge the work of the Chamber officers and the Attendants, *Hansard*—of course—the Library staff and the catering staff. I was not aware until the Minister mentioned it that Irene Fairhurst was retiring. We certainly wish her well. We also acknowledge the work of the administrative staff, the maintenance staff and also the police officers, who are there to protect us. All deserve our thanks, and we wish them all a happy Easter. If we were to maintain the tradition established by the former member for Mitcham, Mr Justice Millhouse, we would be wishing them a happy and a holy Easter, and I do that.

I also think that our colleagues on both sides of the House should be recognised. As the Minister said, this is not an easy place in which to work. It appears that it is acceptable for members of Parliament to somehow and at some times let their feelings show quite vividly in the course of debate. However, it is never acceptable for the staff to do that and, to their credit, they maintain a very high degree of courtesy, constancy and diligence, and for that we thank them. On that note, I wish you, Mr Speaker, all members and all members of staff a very happy and very holy Easter.

Mr S.G. EVANS (Davenport): I agree with all that has been said about all of the staff. I thank the Government for its cooperation and for putting up with me at times. It encourages me to speak, and I will do it again next time if it wants me to. One group I wish to refer to is the police staff who look after the parking out the front and who come in here and afford protection to us. I think we should not forget their efforts in doing their shift work. In particular, I would like to wish the Deputy Leader of the Opposition a very happy Easter and trust that he had an enjoyable afternoon and evening while we have been here.

The SPEAKER: The Chair endorses the appreciative remarks that have been directed to the Clerks and Attendants for the assistance they have provided in the House of Assembly proceedings, towards the *Hansard* staff who have always recorded our debates in a most professional manner, and to all the support staff of the House of Assembly and of the new Joint Services Committee which has, since the start of this parliamentary session, taken the place of the old Joint House Committee. In particular, the Chair endorses the remarks directed towards Irene Fairhurst on her retirement from the catering staff. Finally, the Chair would like to thank members for their direct or indirect support in the difficult task of chairing the proceedings of the House of Assembly. For that I thank all members.

Motion carried.

At 12.8 a.m. the House adjourned until Tuesday 12 May at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 14 April 1987

QUESTIONS ON NOTICE

MINISTERS' STAFF

292. **Mr BECKER** (on notice) asked the Premier: Who are the non-public servants appointed to the staff of each Minister, what are their job classifications and descriptions, what are their salary ranges and allowances and what are the terms and conditions of their employment, respectively?

The Hon. J.C. BANNON: The honourable member would be aware that both contract staff and public servants are employed within each Minister's office. For example, the Tonkin Government employed a total of 89 public servants and 34 contract staff in its 13 ministerial offices. Four additional areas of responsibility have since been added to the portfolio load of current Ministers.

As a consequence of these extra responsibilities (Technology, Employment, Youth Affairs and Children's Services), an extra 4.5 contract staff and seven public servants have been employed. A very similar ratio of public servants and contract staff exists within the current Minister's officers as existed during the period of the Tonkin Government. The attached list details the contract staff currently employed in each Minister's Office.

Ministerial Portfolio	Ministerial Officer	Classification
Premier, Treasurer	B. Deed	MO-1 + 10%
Arts	C. Willis	MO-1 + 20%
	L. Chester	MO-2 + 20%
	R. Slee	MO-3 + 10%
	S. Marlow	PS-1 + 30%
	M. Kennedy	CO-5
	R. McDonald	CO-5 (part time)
	R. Loughhead	CO-4 (part time)
	J. Vaughan	MN-4
	A. Augunas	CO-2
Deputy Premier,	*A. Roman	MO-2 + 10%
Environment and Planning	*L. Zollo	MO-2 + 10%
Chief Secretary		
Emergency Services	*N. Alexandrides	MO-2 + 10%
Water Resources	D. MacKay	PS-1 + 15%
Leader of the House		
Attorney-General	A. Joy	MO-2 + 15%
Consumer Affairs	T. Nagy	PS-1 + 15%
Corporate Affairs		
Ethnic Affairs		
Lands, Marine	*S. Poblocki	MO-2 + 10%
Forests,	R. Sullivan	PS-1 + 15%
Repatriation		
Health	*S. Gilchrist	MO-2 + 10%
Community Welfare	*A. Pengelly	MO-2 + 10% (part time)
State Development,	*L. McLoughlin	MO-2 + 10%
Technology,	P. Roberts	PS-1 + 15%
Employment and		
Further Education		
Transport	M. Kenny	MO-2 + 10%
	B. Muirden	PS-1 + 15%
Mines and Energy	P. Woodland	MO-2 + 10%
	P. Charles	PS-1 + 15%
Education	S. King	MO-2 + 10%
Children's Services	*J. Hill	MO-2 + 10%
Aboriginal Affairs	*D. Lewis	PS-1 + 15%
Housing and	J. Luckens	MO-2 + 10%
Construction,	R. Rains	PS-1 + 15%
Public Works		
Labour,	L. Wright	MO-2 + 25%
Correctional Services	D. Melvin	MO-2 + 10%
	W. Chapman	MO-2 + 10%
	N. Hennekan	PS-1 + 15%

Ministerial Portfolio	Ministerial Officer	Classification
Tourism,	*P Sandeman	MO-2 + 10%
Local Government,	*M. Carmichael	MO-3
Youth Affairs	P. Hudson	PS-1 + 15%
Agriculture,	J. Russell	MO-2 + 10%
Fisheries,	A. D'Sylva	PS-1 + 15%
Recreation and Sport		
Leader of the Opposition	H. Burnett	MO-2 + 20% + $2 485
	R. Randall	MO-2 + $2 485
	R. Yeeles	MO-2 + 20% + $7 000

Salary	$
MO-1	38 748/39 932
MO-2	33 138/34 309
MO-3	28 029/29 207
PS-1	33 936
CO-5	24 825/27 553
CO-4	22 437/24 378
CO-2	19 049/20 206
MN-4	21 332/21 984

*Denotes seconded from Public Service

SCHOOLS LIBRARY BRANCH

308. **Mr S.J. BAKER** (on notice) asked the Minister of Education: With respect to the Schools Library Branch—

1. what is the current complement;
2. how is it intended to deploy these resources; and
3. are they fully employed at present and, if not, why not?

The Hon. G.J. CRAFTER: The replies are as follows:

1. Currently there are 12.8 staff made up of 9.4 librarians and 3.4 clerical officers.

2. Apart from the Manager, the branch consists of two main components. The cataloguing section, comprising 6.3 librarians who catalogue book and non-book material (including computer software) forwarded from schools, other department libraries and production units. The cataloguing information is made available to all subscribing schools by means of microfiche as well as through a computer terminal. The Section also utilises and contributes to the national data base and provides advice on the organisation of school collections. Secondly, there is the library collection which has a very strong fiction collection and provides support in some specialist non-fiction areas. Schools borrow from this library to augment and support their own stock of books. the staff includes 1.5 librarians and a 0.6 library technician. Clerical staff support both activities.

3. All people are fully employed.

HOME LOANS

311. **Mr OLSEN** (on notice) asked the Minister of Housing and Construction: In relation to the document *Housing—Leading the Nation* released by the Premier during the 1985 state election campaign, how many loans have been provided under each of the following programs and what is the total value lent under each program—

1. Home Low Start Loans (pages 8 and 9);
2. Home Guarantee Interest Rate Protection (pages 12 and 13);
3. Home Shared Equity Loans (page 10);
4. Home Trust Shared Loans (page 10);
5. Home Homesteading Loans (page 11);
6. Home Improvement Loans (page 11); and
7. Home Guarantee Keep Your Home Loans (pages 11 and 12)?

The Hon. T.H. HEMMINGS: As indicated in the document, *Housing—Leading the Nation* released by the Premier during the 1985 State election campaign, the State Government's Home Ownership Made Easier (HOME) program is the largest and most successful home purchase assistance program in the country. A total of 2 920 loans and rental-purchase assistance agreements were approved under the program in 1985-86. the comparative figures for the more populous States of New South Wales and Victoria were 2 000 and 2 860, respectively.

1. HOME Low-Start Loans. Following the partial deregulation of housing interest rates by the Federal Government on 2 April 1986 banks and building societies in South Australia have introduced a range of low-start mortgage instruments designed to help households on average incomes to achieve home ownership. This removed the urgency for the State Government to introduce a low-start loan scheme under its HOME program. Such a scheme will be introduced in the future if necessary.

2. HOME Guarantee Interest Rate Protection Plan. Assistance became available under this scheme from 1 March 1986. At the end of 1986, nine households were receiving assistance under the scheme, entailing only a small cost to the State Government. The introduction of this scheme, however, brought to light any households eligible for assistance under another scheme, HOME Guarantee Mortgage Relief, with the result that the number of households receiving assistance under this scheme was 50 per cent higher at the end of 1986 than 12 months earlier (755 compared with 503 respectively).

4. HOME Trust Shared Loans. The Home Trust Shared Ownership Scheme was introduced in September 1986. Since that time the Housing Trust has received almost 1 500 enquiries about the scheme. There is a considerable lead time involved in finalising purchase under the scheme. As at the end of March 1987, two purchases had been finalised and another 30 were pending.

3. HOME Shared Equity Loans; 5.HOME Homesteading Loans; 6. HOME Improvement Loans; 7. HOME Guarantee Keep Your Home Loans. These schemes are to be introduced progressively over the term of the State Government.

MEAT EXPORT COMPANY

325. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Consumer Affairs: Did

the late George Ats or any company sponsored by him apply for or receive a Government guarantee to finance a meat export company and, if so—

1. when
2. why
3. for how much
4. was any guarantee called upon and, if so, when and to what extent; and
5. did the Department of Agriculture comment on such an application and, if so, what were those comments and who authorised them?

The Hon. G.J. CRAFTER: The late George Ats himself did not apply for or receive any Government guarantee assistance for the financing of a meat export company. The Department of State Development received an application for Government guarantee assistance from Multi Development Corporation Pty. Ltd. of which the late George Ats was stated as Chairman of Directors and Joint Managing Director. No Guarantee assistance was provided to Multi Development Corporation Pty. Ltd., and the application has since lapsed after Mr Ats' death.

1. The application was dated 27 June 1986.
2. To enable Multi Development Corporation Pty. Ltd. to build and operate a refrigeration facility at Damietta in Egypt and for the export of seafood and dairy produce to that market.
3. $1 million.
4. Guarantee application was not proceeded with due to Mr Ats' death.
5. The Department of State Development did not seek the Department of Agriculture's comment on this guarantee application.

TEACHER HOUSING AUTHORITY

331. **Mr BECKER** (on notice) asked the Minister of Housing and Construction:

1. How many houses under construction for the Teacher Housing Authority as at 30 June 1986 were still not completed by February 1987 and why were they not completed?
2. When was construction commenced on these houses, what action is now being taken to complete them and by what date will they be completed?
3. What is the estimated cost and loss to the authority in completion and rental?

The Hon. T.H. HEMMINGS: As the honourable member is well aware, this matter is being considered by the Public Accounts committee, and the information that he has sought would be available to committee members. Nevertheless, the responses to the honourable member's requests are as follows:

1. Four houses under construction for the Teacher Housing Authority as at 30 June 1986 were not completed by Febraury 1987 as the builder experienced financial difficulties and went into receivership.
2. Houses at Morgan, Snowtown and Quorn were due for commencement in October 1985 under contract conditions, with a further house due for commencement in January 1986. Practical completion notices have now been issued for all properties with only minor remedial work to be undertaken.
3. Whilst costs have exceeded contract price, it is anticipated that they will be recovered from housing indemnity insurance. All houses were constructed as replacement residences. Therefore, there was only minimal rental loss, being the difference between the rents of the new and older, lower standard housing for the pending occupants for the delay period. In addition, a small interest cost associated with the delays in disposing of the replaced residences would also have been incurred.

COUNCIL RATE CONCESSIONS

342. **Mr M.J. EVANS** (on notice) asked the Minister of Water Resources:

1. How many households are entitled to a pensioner concession on council rates?
2. How many of these ratepayers received the maximum concession?

The Hon. D.J. HOPGOOD: As at 25 March 1987 pensioner remissions were being granted on 81 352 council rate assessments of which 52 478 were receiving the maximum remission.

ELIZABETH URBAN ABORIGINAL SCHOOL

343. **Mr M.J. EVANS** (on notice) asked the Minister of Education:

1. What was the initial February enrolment (broken down by year) and what has been the average daily attendance for the year to date at the Elizabeth Urban Aboriginal School?
2. What are the number and classification of the staff (in any capacity) now employed at the school or on activities directly related to the school but based in another location?
3. How many staff are engaged full time or part time in ensuring the attendance of students at the school, what is the classification of each such staff member and how many hours per week are they engaged on such work?

The Hon. G.J. CRAFTER: The replies are as follows:

1. February enrolment total: 41
   Year R-2 10
   Year 3, 4, 5 7
   Year 6, 7 10
   Year 8, 9 14
   The average daily attendance rate to date is 80.3 per cent
2. 1 Principal (Area School Class 2)
   5.4 Teachers
   1 Aboriginal Education Worker (School Assistant, Grade 1—30 hours per week).
   3 School Assistants (School Assistant, Grade 1—a total of 77 hours per week).
3. No staff member at the school is primarily engaged to ensure attendance at the school. Attendance is monitored as in any other school.

DOMESTIC BUILDING WORK

351. **Mr M.J. EVANS** (on notice) asked the Minister of Education, representing the Attorney-General:

1. Since 1 July 1986, how many complaints concerning domestic building work have been lodged with each of the Builders Licensing Board, the Tribunal and the Department of Public and Consumer Affairs and how many of the complaints lodged with the Department were subsequently referred to the Board or the Tribunal?
2. How many of the complaints lodged with the department by consumers about unsatisfactory domestic building work or associated contractual or financial disputes were considered by the department to be justified and how many

were considered to be unjustified or not worthy of further investigation?

3. Which builders have had more than five complaints concerning them lodged by consumers with either the board, the tribunal or the department since 1 July 1986 and, in respect of each such builder, how many have been found to be justified, how many are still proceeding and how many have been found to be unjustified?

The Hon. G.J. CRAFTER: The replies are as follows:

1. The Consumer Affairs Division of the Department of Public and Consumer Affairs received 1 917 domestic building complaints between 1 July 1986 and 30 march 1987. During the same period, the division referred 43 matters to the Builders Licensing Board. Between 1 July 1986 and 30 March 1987 the Builders Licensing Board received 143 building complaints, however this figure also includes commercial building complaints. Jurisdiction to deal with building complaints was conferred on the Commercial Tribunal on 22 January 1987. The tribunal has not yet received an application to hear a building dispute.

2. Of the 1 917 complaints received by the department—

977 were found to be fully justified
328 were found to be partially justified
161 were found to be not justified
29 were not investigated
53 could not have their validity ascertained
15 were cases where the trader provided redress although he/she was not liable

1 563

354 are outstanding.

3. Eight builders were the subject of more than five complaints to the department during the abovementioned period. Details of the complaint records of individual companies are not made public unless the Commissioner for Consumer Affairs is satisfied this is necessary in the public interest. Complaint statistics taken alone, without regard for the volume of trade of a particular company, may give an unfair impression of a builder's performance. Statistics concerning past complaints also may not be indicative of a builder's current performance. No builder was the subject of more than five complaints to the Builders Licensing Board.

ADELAIDE TO GLENELG TRAMWAY

361. **Mr BECKER** (on notice) asked the Minister of Transport: Has a feasibility study been undertaken into the establishment of a bicycle track along the length of the Adelaide to Glenelg tramway and, if not, will the Minister have such an investigation made and, if not, why not?

The Hon. G.F. KENEALLY: There has not been a feasibility study undertaken into the establishment of a bicycle track along the length of the Adelaide to Glenelg Tramway nor is any feasibility study planned. Some years ago a cursory inquiry was made into the possibility after an approach by the Marion council but a number of factors did not favour such a proposal. The main problem was the lack of property width, particularly between Goodwood and Brighton Roads where as well as accommodating the tramline, the corridor includes poles for the overhead wires, a maintenance access road and trees and shrubs. It was also considered that cyclists could not cross busy roads at the level crossings with safety.

LEGAL SERVICES COMMISSION REPORT

365. **Mr OLSEN** (on notice) asked the Minister of Education representing the Attorney-General: In relation to the 1985-86 report of the Legal Services Commission—

1. How many copies were printed;

2. How many were distributed to State Government departments, agencies or authorities;

3. How many copies have not yet been distributed; and

4. What was the total cost of production including photography, writing, typesetting, design and printing?

The Hon. G.J. CRAFTER: The replies are as follows:

1. 450.

2. Approximately 250 copies are distributed to just over 100 agencies or people. Some receive multiple copies. Included in this are some 24 State Government departments, agencies and authorities and 10 interstate or Commonwealth agencies. 100 copies are distributed to staff.

3. Approximately 100. These are used progressively for on-going requests, in-house seminars, new staff induction and visitors to the commission.

4. The cost to the commission was $3 398.34, made up of:

Photography—$36
Printing—$3 362.34 (Government Printer)

The report was written by the Director and Deputy Director with some input from other staff. The text was prepared on Wang word processing disk and sent to the Government Printer. Typing is kept to a minimum by updating the previous years text and layout which is stored on the word processor. No estimation of this cost can realistically be made.

DEPARTMENT FOR COMMUNITY WELFARE REPORT

366. **Mr OLSEN** (on notice) asked the Minister of Education, representing the Minister of Community Welfare: In relation to the 1985-86 report of the Department for Community Welfare—

1. How many copies were printed;

2. How many were distributed to State Government departments, agencies or authorities;

3. How many copies have not yet been distributed; and

4. What was the total cost of production including photography, writing, typesetting, design and printing?

The Hon. G.J. CRAFTER: The replies are as follows:

1. 2 000.

2. Copies were distributed to 28 State Government departments, agencies and authorities, 21 copies to South Australian institutions of further education, 26 copies to South Australian libraries, 38 copies to South Australian non-government welfare organisations, nine copies to Commonwealth Government departments in South Australia, 51 copies to interstate Government departments and non-government welfare agencies, 43 copies to interstate libraries and eight copies overseas. Copies are also sent to all State and private schools and to community information services. Copies are sent to senators and members of Federal and State Parliament. Copies are then sent on request to other departments, organisations and individuals.

3. 150.

4. $12 995.

DEPARTMENT OF EDUCATION REPORT

367. **Mr OLSEN** (on notice) asked the Minister of Education: In relation to the 1985 report of the Department of Education, ordered by the House to be printed on 17 September 1986—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. G.J. CRAFTER: The replies are as follows:

1. 2 000 copies were printed.
2. 1 670 copies were distributed to State Government departments, agencies or authorities, including schools. Copies were also distributed to members of Parliament, councils, etc.
3. Some 20 copies have not yet been distributed, and are available for sale at the Education Department's bookshop, 31 Flinders Street, Adelaide.
4. The total cost to the Education Department for photography, design and printing was $16 303.82. As is customary, typesetting and some pre-press costs were paid for by the State Parliament.

DEPARTMENT OF LANDS REPORT

368. **Mr OLSEN** (on notice) asked the Minister of Lands: In relation to the 1985-86 report of the Department of Lands—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. R.K. ABBOTT: The replies are as follows:

1. 1 040 copies printed.
2. 890 copies distributed to State Government departments, agencies or authorities both in Australia and overseas.
3. 150 copies have not yet been distributed.
4. $13 863 estimated total cost of production.

OUTBACK AREAS REPORT

369. **Mr OLSEN** (on notice) asked the Minister of Transport, representing the Minister of Local Government: In relation to the 1985-86 report of the Outback Areas Community Development Trust—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. G.F. KENEALLY: The replies are as follows:

1. 220 copies were printed.
2. 26 copies were distributed to State Government agencies.
3. 31 copies are on hand.
4. $2 137.

PASA REPORT

370. **Mr OLSEN** (on notice) asked the Minister of Mines and Energy: In relation to the 1985-86 report of the Pipelines Authority of South Australia and the Department of Mines and Energy—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. R.G. PAYNE: The replies are as follows:

Department of Mines and Energy:

1. 2 000 copies
2. 86 copies
3. 176 copies
4. $12 316

Pipelines Authority of South Australia:

1. 1 500
2. 56
3. 412
4. $8 594

Both reports were compiled and checked by numerous officers over a period of several months. No record was kept of the time taken, therefore, it is not possible to provide an accurate estimate of the cost of the 'writing' component in section (4) of the question.

DEPARTMENT OF THE PREMIER AND CABINET REPORT

371. **Mr OLSEN** (on notice) asked the Premier: In relation to the 1985-86 report of the Department of the Premier and Cabinet—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

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

1. 500.
2. 320 copies have been distributed. The precise division between those distributed to State agencies and those provided to others is not known.
3. 180 copies are on hand.
4. Total production cost was $6 197.59 for photography, printing and typesetting. Writing, editing, design and layout were carried out by staff as a part of normal duties, not separately costed.

DEPARTMENT OF RECREATION AND SPORT REPORT

372. **Mr OLSEN** (on notice) asked the Minister of Recreation and Sport: In relation to the 1985-86 report of the Department of Recreation and Sport—

1. How many copies were printed;
2. How many were distributed to State Government departments, agencies or authorities;
3. How many copies have not yet been distributed; and
4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. M.K. MAYES: The replies are as follows:

1. 1 220 (ordered 1 000).

2. Distribution—one copy each to every South Australian Government Chief Executive Officer, member of Parliament and South Australian local council.

3. 80.

4. $6 823.09.

HIGHWAYS DEPARTMENT REPORT

373. **Mr OLSEN** (on notice) asked the Minister of Transport: In relation to the 1985-86 report of the Highways Department—

1. How many copies were printed

2. How many were distributed to State Government departments, agencies or authorities

3. How many copies have not yet been distributed; and

4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. G.F. KENEALLY: The replies are as follows:

1. 700

2. South Australian State Government departments, agencies and authorities 29
   Departments, agencies and authorities of other State Governments 36
   South Australian councils 119

3. 220

4. $10 500 (approx).

E&WS DEPARTMENT REPORT

374. **Mr OLSEN** (on notice) asked the Minister of Water Resources: In relation to the 1985-86 report of the Engineering and Water Supply Department—

1. How many copies were printed

2. How many were distributed to State Government departments, agencies or authorities

3. How many copies have not yet been distributed; and

4. What was the total cost of production including photography, writing, type-setting, design and printing?

The Hon. D.J. HOPGOOD: The replies are as follows:

1. The E&WS Department ordered 700 copies for its own purposes. In addition, as with all annual reports, a further 350 copies were printed for retention by the Government Printer.

2. Of the 700 copies received by the department, a total of 305 copies are distributed to South Australian Government departments, agencies or authorities, including internal distribution within the E&WS Department (263 copies). Of the 350 copies retained by the Government Printer, 125 are sent to members of Parliament and 80 are incorporated into the blue books of parliamentary papers.

3. Approximately 265 of the E&WS Department's copies and approximately 100 of the Government Printer's copies have not yet been distributed. Based on past experience it is expected that the vast majority, if not all, of these will be distributed before the next annual report is printed.

4. The cost of typesetting, photomechanical, makeup, other prepress work and printing is:

	$
Charged to E&WS Department	9 231.13
Charged to Parliament by Government Printer	6 332.64
Total	15 563.77

Writing, design and photography was all carried out by departmental officers as part of their normal functions and is not separately costed.

ELECTRICITY TARIFFS

381. **Mr S.J. BAKER** (on notice) asked the Minister of Mines and Energy: For each class of electricity, what were the relevant charges per unit, plus the number of units charged at each price as at 31 December 1984, 1985 and 1986?

The Hon. R.G. PAYNE: The information sought is available from ETSA in the form of printed tariff schedules for each year. The cost of incorporating these schedules in *Hansard* cannot be justified and have therefore been provided to the member by letter.