LEGISLATIVE COUNCIL

Thursday, August 19, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

SUPPLY BILL (No. 2)

His Excellency the Governor, by message, intimated his assent to the Bill.

PETITION: SEXUAL OFFENCES

The Hon. J. C. BURDETT presented a petition signed by 26 electors of South Australia stating that the crime of incest and the crime of unlawful carnal knowledge of young girls are detrimental to society and praying that the Legislative Council would reject or amend any legislation to abolish the crime of incest or to lower the age of consent in respect of sexual offences.

Petition received and read.

QUESTIONS

GEM FISH

The Hon. R. A. GEDDES: Has the Minister of Fisheries a reply to the question I asked yesterday concerning the experiment into fishing for gem fish?

The Hon. B. A. CHATTERTON: The Fisheries Research Officer who sailed on the *Courageous* reported that the catches of gem fish were not encouraging. Catches were generally low but small quantities were caught in depths of about 250 m to 400 m; the best catch of this species was made off Cape Northumberland. However, it may be that the movements of this species are seasonal and a long-term trawling programme (over a 12-month period) is required to assess the prospects of a fishery based on this species. There were also few indications of jack mackerel; midwater echo traces in South Australian waters were light and heavy "mackerel-like" traces east of the Victorian border were shown to consist of anchovy and pilchard, quantities of these species caught being high, considering the fact that the net was not really suitable for small fish.

BLOOD ALCOHOL TESTS

The Hon. C. M. HILL: I seek leave to make a statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: A serious matter has been brought to my notice concerning the lack of opportunity for blood alcohol tests to be taken at certain hospitals. The matter brought to my notice concerns the country area but I believe the same situation may apply within metropolitan Adelaide. It seems that some hospitals have been designated as hospitals at which blood alcohol tests of road accident victims can be taken and that at other hospitals such tests cannot be taken. It appears in one instance that ambulance officers who strongly suspected that the injured person was affected by alcohol actually by-passed one hospital and went to another 9½ kilometres further on, because it was only at the latter hospital that these tests could be taken.

If that situation applies and this sort of thing occurs, obviously there is a possibility of the injured person's condition worsening because of the extra distance that he must travel in the ambulance. Would the Minister look closely into this matter to see whether it is possible to increase the number of hospitals designated as hospitals at which blood alcohol level testing of injured road accident victims can be done?

The Hon. D. H. L. BANFIELD: I am surprised at the suggestion that an ambulance officer by-passed a hospital and went on to another one simply because he felt that a blood test should be taken. I do not think it is within the officer's prerogative. True, all hospitals are not designated to take blood alcohol tests, but from time to time, as facilities become available, we are designating more hospitals to do that. However, I am surprised that an ambulance officer took it unto himself to go to another hospital, in those circumstances. If the honourable member gives me details of the instance to which he has referred, I shall be happy to look into the matter.

The Hon. C. M. Hill: I will give the information privately to the Minister.

WILLIAMSTOWN PRIMARY SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Lands.

Leave granted.

The Hon. M. B. DAWKINS: My question is directed for the moment to the Chief Secretary, representing the Minister of Lands, who normally represents the Minister of Transport in this Chamber, and it refers to a letter addressed to the District Council of Barossa, which has been referred to me. It is in the following terms:

Dear Sir, I refer to your letter of June 2, 1976, relating to children crossing the main road opposite Williamstown Primary School, and advise that the problem, if one exists, appears to have been created by the actions of the school authorities and by council in closing and relocating gates, and is not one which can be adequately solved by the painting of lines . . . It is unfortunate that no approach was made to this department for advice before the recent action was taken involving relocation and closing of gates.

That was signed by a responsible officer of the Highways Department. It is unfortunate that that officer, apparently, had not taken the trouble to find out that a problem existed and that there was a voluminous file on the matter in the Highways Department. The problem at the Williamstown schoolgrounds, which are divided by a main road and which are in such a situation that in at least one direction there is no clear view, has existed for a considerable time. I understand that it has not been resolved because of the difference of opinion amongst the Highways Department, the Education Department and the local council on how to resolve it and on who is finally responsible. The danger to children crossing the road from the school proper to the school sportsground has continued from that time, and I ask the Minister whether he will find out from his colleague what progress, if any, has been made to resolve this potentially dangerous situation for young children at that school.

The Hon. B. A. CHATTERTON: I will be representing the Minister of Transport while the Minister of Lands is overseas. I will refer the question to my colleague and obtain a reply.

WHYALLA SHIPYARD

The Hon. D. H. LAIDLAW: I seek leave to make a brief statement prior to asking a question of the Minister of Health, representing the Premier.

Leave granted.

The Hon. D. H. LAIDLAW: I understand that the South Australian Government and Broken Hill Proprietary Company Limited are urgently seeking alternative work to keep occupied the staff, ship designers, joinery workers, and other trades at the Whyalla shipyard, because larger size vessels are likely to be purchased from overseas in the forseeable future. This action is to be commended, and in the metal fabricating field other types of work than shipbuilding should be available, at realistic prices. I cannot speak with knowledge of the other crafts that I have mentioned. It is important to recognise that many metal products are either not made in South Australia or are made here in minimal quantities. It should be possible for B.H.P. to divert into such new fields rather than duplicate existing activities in the State. Will the Minister ask the Premier to try to ensure, after consultation with B.H.P., that the attempts of the Government and the company to provide continuity of employment in the shipyard will be made with due regard for employment in other parts of South Australia? Otherwise, their efforts could be counterproductive.

The Hon. D. H. L. BANFIELD: I will refer the question to the Premier.

RAT GUARDS

The Hon. A. M. WHYTE: I ask leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: It has been brought to my notice that at least one ship tied to the wharf at Port Lincoln did not have the necessary rat guards on the mooring ropes on the forecastle. As it is a requirement that these guards be provided on all ships to eliminate, it is hoped, the possibility of rats carrying disease coming ashore, I ask the Minister whether he will check this matter and see that the requirement is enforced in South Australian ports. He will be aware of the real threat of exotic diseases and, of course, many other diseases that can be brought in in this way.

The Hon. B. A. CHATTERTON: I am aware of the problems mentioned by the honourable member. I am not sure whose responsibility it is to ensure that these rat guards are placed on the mooring ropes of the ship, but I will look into the matter and bring down a report for the honourable member.

SHEEP

The Hon. C. M. HILL: I ask leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. M. HILL: On September 18, 1975, I asked this question of the Minister:

Has the Minister of Agriculture made any progress in his previously stated proposal to confer with other State Ministers of Agriculture to try to introduce a collective bargaining scheme regarding the sale of live sheep to Middle East States so that producers here can obtain improved export prices for live sheep?

The Minister replied:

During the first week of September, I went to Western Australia and had talks with the Western Australian Minister of Agriculture about this matter and also the whole question of the export of sheep meat, whether live or frozen. There was a considerable degree of understanding and we agreed on many of the matters. The problem arose in terms of how specifically to do this, to make sure there was no unnecessary competition, and to form a united front for export overseas. I agreed to take this matter up with the Australian Minister for Agriculture to see whether something could be arranged through the Australian Meat Board, which has power in many instances to exercise some control over exports and export prices.

The Minister then went on to explain the situation regarding the Australian Meat Board, and finally he said:

There could be some progress in that area.

I raised the matter again on October 15, 1975, and part of my question was as follows:

Can the Minister of Agriculture add anything further to his comments on the plan (because naturally producers in this State are interested in the matter and want to know whether the Minister can achieve any results on their behalf)?

The final section of the Minister's reply on that date was as follows:

I can say, however, that the direction I indicated in terms of oversea marketing of Australian meat is already being pursued to some extent, but I shall certainly be continuing discussions with both the Australian Minister for Agriculture and the Australian Meat Board to try to get a more united front on the matter. Although negotiations are taking place, it is difficult for me to reveal them now because of the implications this may have.

Now, after almost a year, I ask the Minister whether he was successful with his proposal, or whether it ultimately failed.

The Hon. B. A. CHATTERTON: It is difficult to tell whether or not the representations that I made have been successful. Certainly, there has been something of a change in attitude by the Australian Meat Board, which I have been pleased to see. It is now playing a more positive role in pricing arrangements. Although the board has not extended its considerations at this stage to the export of live sheep, there have been indications that it is willing to get involved and to do some of the things that I previously advocated in terms of a minimum price and a united front regarding our meat export markets. This matter was raised at Agricultural Council earlier this month, and there was much discussion regarding the Meat Boards' playing a more positive role in the securing and tendering of prices for the export of Australian meat. The Federal Minister for Primary Industry agreed on that occasion that there needed to be further discussion on plans for improved meat marketing which are being put forward by the Victorian and Queensland Ministers. We will be having discussions on the proposals put forward by those Ministers.

TOURISM CONFERENCE

The Hon. C. M. HILL: I direct my question to the Minister of Health, as Leader of the Government in the Council. When I asked the Minister of Lands about a fortnight ago whether he intended visiting Hong Kong to attend a tourism conference, he said in reply that he had not finally decided whether he would do so. As the Minister of Lands has not been in the Chamber all this week, can I assume that he is, in fact, now in Hong Kong?

The Hon. D. H. L. BANFIELD: What the Minister said previously in reply to the honourable member's question was true, namely, that he had been asked to attend

this conference in Hong Kong, but that at that stage a submission had not been presented to Cabinet in relation to the matter. Since then, the matter has been put to the Government, and we believe it is in the best interests of tourism in South Australia that the Minister should attend the conference. The Government therefore granted the Minister permission to go to Hong Kong. We are grateful for the Opposition's willingness to grant a pair during the Minister's absence. I assure the Hon. Mr. Hill that his assumption that the Minister is visiting Hong Kong is quite correct.

HER MAJESTY'S THEATRE

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about the future of Her Majesty's Theatre?

The Hon. D. H. L. BANFIELD: The Government appreciates the interest shown by the honourable member in retention of Her Majesty's Theatre for artistic purposes. It also appreciates the support expressed by the honourable member for New Opera S.A. (now the State Opera of S.A.) and his support for the idea that Her Majesty's Theatre would be an ideal home for that company. As the honourable member may be aware, the Government wrote to the Prime Minister on June 21 indicating that, although J. C. Williamson Limited had financial difficulties, the most urgent problem, in the opinion of this Government, was that of ensuring continued availability of commercially owned theatres for public purposes. The Government has since been advised, however, that it is unlikely that the Federal Liberal Government will make funds available for purchase of J. C. Williamson's theatres, including Her Majesty's Theatre in Adelaide. The management of J. C. Williamson's has indicated that it will probably offer the theatre for sale at some appropriate time in the future. It is hoped that a commercial entrepreneur will purchase the theatre and maintain it for performing arts purposes, however. This Government has previously indicated its strong opposition to the redevelopment of the site for any other purpose. The honourable member will appreciate that the Government is unable to speculate, however, about any purchase of the theatre at this time, as such action may affect the financial planning of the present owners or potential users.

GOVERNMENT DEPARTMENTS

The Hon. D. H. LAIDLAW: Has the Minister of Health a reply to my question about the reorganisation of Government departments?

The Hon. D. H. L. BANFIELD: 1. The following amalgamations of departments and regroupings of divisions have taken place in the past 12 months:

- the amalgamation of the small lotteries section of the Chief Secretary's Department with the Tourism, Recreation and Sport Department;
- the amalgamation of the totalisator section of the Police Department with the Tourism, Recreation and Sport Department;
- the amalgamation of the Chief Secretary's Department with the Hospitals Department and the abolition of the Chief Secretary's Department as a consequence;
- the transfer of the Worker Participation Branch of the Labour and Industry Department to the Premier's Department, resulting in a new Unit for Industrial Democracy;
- the amalgamation of the Minister of Works Department with the Engineering and Water Supply Department;
- the transfer of the State Information Centre, Public Buildings Department, to the Government Printing Department;
- the amalgamation of the reporting functions of the Government Reporting Department, the reporting functions of the Supreme Court, Local and District Criminal Court, Industrial Commission, and Planning Appeal Board and placement in the Attorney-General's Department;
- the placement of the remaining functions of the Government Reporting Department with the Public Buildings Department and the abolition of that former department;
- the amalgamation of the Fisheries Department with the Agriculture Department into a new Agriculture and Fisheries Department;
- the transfer of the Parliamentary Counsel's Office from the Attorney-General's Department to the Premier's Department;
- the amalgamation of the Produce Department with the State Supply Department, and the transfer of the grain inspection functions of Produce Department to Agriculture and Fisheries Department;
- the amalgamation of the Minister of Education Department with the Education Department;
- the amalgamation of the Botanic Garden Department with the Environment Department, incorporating a change of name from the Environment and Conservation Department;
- the amalgamation of the Superannuation Department and the Public Actuary's Department with the Treasury Department;
- the amalgamation of the State Taxes Department with the Treasury Department;
- the amalgamation of the Registrar-General's Department (excluding the Births, Deaths and Marriages Registration Branch) and the Valuation Department with the Lands Department;
- the amalgamation of the Public Trustee Department, the Births, Deaths and Marriages Registration Branch (Registrar-General's Department) and the following functions of the Attorney-General's Department:
  - Companies Office
  - Prices and Consumer Affairs Branch
  - Licensing Branch
  - Trades Measurements Branch
  - Office of the Inspector, Places of Public Entertainment
  - Office of the Builders Licensing Board
  - Office of the Credit Tribunal
  - Administration staff of the Land and Business Agents Board, the Land Valuers' Licensing Board, the Land Brokers' Licensing Board, the Commercial and Private Agents' Board, and the Secondhand Vehicle Dealers' Licensing Board

  to form a new Public and Consumer Affairs Department;
- the amalgamation of the State Supply Department, the Government Printing Department, the Chemistry Department, and the A.D.P. Centre, Public Service Board Department, into a new Services and Supply Department;

the amalgamation of the Minister of Agriculture Department with the Agriculture and Fisheries Department;

the creation of a new Further Education Department;

the amalgamation of the Attorney-General's Department, the Crown Law Department, and the Local and District Criminal Courts Department into a new Legal Services Department.

2. The Government and the Public Service Board achieved the objective of reducing the number of departments to 30 on July 29, 1976. This is a commendable achievement on the part of the Government.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It amends the principal Act, the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959, as amended. The principal Act cast a duty on the Minister of Lands to maintain a system of drains and drainage works in the area defined in the Act and, at the same time, provides for the declaration and levying of a special rate on the landholders in the area. The proceeds of the rate are required to be used to make a sufficient contribution towards the cost of the maintenance of the works that the Minister is obliged to carry out.

The reasons for adopting this scheme of rating were canvassed by the then Minister of Lands in his speech moving the second reading of the Bill for the principal Act (see 1959 *Hansard,* Vol. II at pp. 1850 and 1851). In its present form, the principal Act adopts a five-yearly rating period. Before the commencement of each such period:

(*a*) all ratable properties are valued and after a suitable period for appeals, the valuation remains fixed for the five years of the rating period;

(*b*) an estimate is made of the total maintenance costs in relation to the five-year period; this estimate is then reduced to an annual average cost, and the rates for each year of the period are fixed in relation to that cost.

The substantial change proposed by this measure is that the estimate of costs will be done on an annual basis instead of on a five-yearly basis. To some extent this will reduce the impact of inflation on the rates. No change of substance is proposed in relation to the valuation provisions. The only other change of importance proposed is to remove references to the Director of Lands in the measure. Aside from the fact that the title of this office has changed to the Director-General of Lands, it is clear that his functions were formal ones that could be better discharged by the Minister.

Clause 1 is formal. Clause 2 amends section 2 of the principal Act by inserting a defintion of "rating year". The insertion of this definition will facilitate the annual estimation of expenditure upon the drainage works. Clause 3 substitutes in section 3 of the principal Act a reference to "the Minister" for a reference to "the Director". Clause 4 performs a similar function in relation to section 4 of the principal Act. Clause 5 repeals section 4a of the principal Act, which is an exhausted provision.

Clause 6 amends section 5 of the principal Act, first, by providing for annual estimates of expenditure; and, secondly, by substituting in appropriate circumstances references to "the Minister" in lieu of references to "the Director". In addition, proposed new subsection (3) has been inserted from an abundance of caution to ensure that the substitution of references to "the Minister" do not affect the validity of previous actions by the Director. Clause 7 amends section 8 of the principal Act, and is a consequential amendment. Clause 8 amends section 11 of the principal Act and is again consequential on the amendments previously made by this measure, as are clauses 9, 10, 11 and 12.

I might add for the benefit of honourable members that it is the Government's intention to transfer the responsibility for this Eight Mile Creek drainage scheme from the control of the Minister of Lands to that of the Minister of Works with the passing of the Water Resources Act. Also, I assure the Council that there is no intention to alter the rate applying to the Eight Mile Creek drainage area for the year ending May 1, 1977.

The Hon. R. C. DeGARIS (Leader of the Opposition): I understand that this Bill is required somewhat urgently, and I undertook to speak on it immediately the Minister gave his explanation. However, as I have not had a chance to study the Bill thoroughly, I ask that the debate be adjourned after I have spoken to enable me to check the Bill more thoroughly before its final passage. We will do our best to get it through today to show our willingness to co-operate with the Government.

The Hon. N. K. Foster: How gracious of you!

The Hon. R. C. DeGARIS: It shows somewhat more graciousness than has been accorded by the Hon. Mr. Foster.

The Hon. A. M. Whyte: Keep that up and we won't—

The Hon. N. K. Foster: Do what you like—that is a typical Liberal attitude.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: First, the Government has got itself into a ridiculous situation regarding drainage matters, drainage rates and drainage assessments in the South-East. A more stupid system than presently operates would be difficult to find. In the principal Act the actual valuation for drainage purposes was done on a five-yearly basis, and I make the point that any change in the assessment of land for the purpose of levying a drainage rate is totally illogical. The reason is that, when one looks at assessments for drainage rates, one can look at only one factor; that is, the improvement to that area created by the drains.

That factor should remain constant; there should be no change. The only factor that should change, if the Government wants more money, is the rate that is levied. It is impossible for anyone to make a valuation of land based on any benefit that might accrue from a drainage system on a yearly basis. All honourable members must agree that what I am saying is true: it is impossible to determine a drainage rate for a benefit factor on a continuing yearly basis. That factor should remain constant; it is known only by the person who made the assessment in the first place. I am saying that the whole approach to this matter is illogical and wrong. Secondly, I believe the Government should totally abdicate from any responsibility for maintaining the drainage system at Eight Mile Creek. It is the costliest scheme in the South-East; it could be handled by the local government authority or a separate landowners' board looking after its own interests, levying itself for rates,

and doing the maintenance for about one-quarter of the cost of having a Minister involved in maintaining the drainage system.

If we look at the drainage system in the South-East, we find that the original scheme was the cutting of a narrow neck between Cootel Swamp and Southend in about 1871. The cutting of the original drain in the South-East was for the one purpose of keeping the overland telegraph out of the water, not for any agricultural purposes. But, that having been done, it was decided that in the South-East was much country that could be drained as effective agricultural and pastoral country in the State. The original Mayurra, Mount Muirhead and Tantanoola drainage scheme was done by the Government, and the land was sold to the landholders to recoup the capital cost. That having been done, an assessment was made of the benefit to the land created by the drainage system. That assessment was established and has remained the same for over 100 years, and so it should.

The Millicent council is at present responsible for the maintenance of the drainage scheme in the Millicent-Tantanoola area and it has been so responsible for over 100 years. As far as cost is concerned, it is the cheapest-run drainage scheme in South Australia. I have some figures which I shall give the Council in a moment. My point is that the assessment there has remained constant, and logically so. The only thing that has varied is that the landowners set the local council rate themselves, on that assessed value, to produce enough money to maintain the drainage system in that district. Over the years it has been a wonderful system, and nobody would convince the people of that district that they should hand over control of their drains to a Government organisation.

The second development of the scheme is a little more complex. I will not touch on all the matters concerned. However, following the success of the Mayurra, Mount Muirhead and Tantanoola system, the South-Eastern Drainage Board began building a drain in the rest of the South-East, beginning in 1880 and continuing until after the war when the massive Western Division drainage scheme was constructed. The problem arose that the assessed value for improvements in the old areas back in 1880 was about £2 an acre. The benefit value to the Western Division, based on increased costs and values, was up to $60 an acre, so there was a situation where the valuation was done for various properties ranging from 1880 to 1960, and those who were on the lower valuations were receiving the same benefit (if it can be called that sometimes) as those people who had their assessments done at the beginning or at the end of that period. When the rate was levied, those whose drains were dug towards the end of the period were paying up to 30 or 40 times the amount of money that those who had had them dug in the late part of the nineteenth century were paying. So there is the problem of inequity in the levying of the rates.

The Government made a move, then, to apply the assessment as the unimproved land value in the area. Once again, when the Bill came through, I told the Government that this was an impossible way to assess anything in regard to benefit from drains; but that system is with us. This Council was more or less forced to pass the Bill because the benefit in regard to the total collection of rates (these figures are subject to correction) fell from $300 000 down to $80 000. So, it would have been very difficult for this Council to say that we were not passing this Bill, thus loading on these landholders a further bill for $220 000. However, that does not stop me from opposing or criticising the system, because it is wrong and bad.

The Eight Mile Creek system is another system. It is not controlled by the South-Eastern Drainage Board or by the local council, as is the scheme is in the Millicent district, but is controlled by the Minister of Lands, with control now moving, under the Bill, to the Minister of Works. I should like to give some figures of costs in relation to the three drainage schemes to which I have referred. I have done some research on the matter. In regard to Eight Mile Creek, the maintenance for the financial year 1974-75 amounted to $2 241, and in 1975-76 it was estimated at $3 269. Wages paid in 1974-75 amounted to $18 817, and in 1975-76 they were estimated at $22 134. Capital equipment for 1974-75 (one vehicle) amounted to $2 076, and in 1975-76 the estimate was nil. Rates levied in 1974-75, and estimated for 1975-76, were $10 440.

It is interesting to note that the Eight Mile Creek drainage scheme drains 1 400 hectares of country. If we examine the cost per hectare, the total estimate for 1975-76, for maintenance, was $3 269, and for wages it was $22 134. Rates levied for the year amounted to $10 440. Therefore, the actual deficit for 1974-75 was $12 694, and the estimated deficit for 1975-76 was almost $15 000. The total ratable area in Eight Mile Creek is 1 400 ha, and the average rate per hectare is $7·46, for maintaining a drainage scheme in a pocket-handkerchief area. If that cost is justified, I do not know what to say about it.

The Millicent district scheme is supervised by the council, and combines the previous territories of Millicent and Tantanoola. Until the old Tantanoola area is reassessed, its rates will continue to be less than those of the old Millicent area. The recent amalgamation of the two councils has caused some problems. At present, the total drainage revenue raised from rates in that area is $16 089. I remind honourable members that the total rates collected at Eight Mile Creek are $10 000, but the costs at Eight Mile Creek are $25 000 a year. The actual rates collected and the costs in Millicent are $16 000. In the old Millicent area there are 493 ratepayers and at Tantanoola there are 235. The total ratable area is not 1 400 ha: it is 95 200 ha. The average rate is about $0·068 an acre or about $0·17 a hectare. Let us compare this with the Eight Mile Creek area at just over $7 a hectare. I suggest this system is so inequitable that it is time the Government looked at it closely, scrapped it, and started again. It is utterly ridiculous that a district council can carry the burden of rating ratepayers for over 100 years and of maintaining a drainage system of about 95 000 ha with about 650 kilometres of drain to care for, at a cost of less than $20 000 a year, when we have 1 400 hectares at Eight Mile Creek with a limited number of ratepayers costing $25 000 a year, of which the ratepayers contribute $10 000. If one looks at the south-eastern drainage area, which covers the rest of the South-East, one sees that the amount of money received from drainage rates and rent was $85 407. The expenditure on management and maintenance was $157 422, and the deficit was $72 015. If one looks at the matter on a ratable basis, one sees that the total area is 388 259 hectares and the actual rates payable are $0·22 a hectare, which is still more expensive than the Millicent drainage scheme.

I suggest that there are two approaches that the Government could consider taking. First, there is the approach that we could say that the whole scheme in the South-East has got itself into such a corner that it is no longer

viable to charge anyone drainage rates. The second approach is that, if it wants to take action regarding the costs of these drainage schemes, the Government should remove itself entirely from any responsibility for the care and maintenance of those drains and leave it to the local people to determine what they want to do, using their own equipment, in the council area. That suggestion would at least place the thing on some basis of equity for the land owner. I suggest to this Council that, first, this Bill changes the assessment system to an annual assessment system. What will that cost? Will valuers go there every year to change a valuation system that should have one factor of valuation, and that is all?

The Hon. B. A. CHATTERTON: Will the Hon. Mr. DeGaris give way?

The Hon. R. C. DeGARIS: Certainly.

The Hon. B. A. CHATTERTON: I think there is a misunderstanding here. Valuations are still done on a five-yearly basis. The striking of the rate, which also was done on a five-yearly basis, will now be done on an annual basis, under the provisions of the Bill.

The Hon. R. C. DeGARIS: I am sorry. I did not get a chance to read the Bill: I spoke straight after the Minister explained it. The Minister's second reading explanation states:

In its present form the principal Act adopts a five-yearly rating period. Before the commencement of each such period:

(*a*) all ratable properties are valued and after a suitable period for appeals, the valuation remains fixed for the five years of the rating period.

I am suggesting that, in the first instance, any system of revaluation, whether on a yearly or five-yearly basis, is ridiculous in this drainage scheme, so the basis of argument remains. A revaluation every five years to assess the drainage rate is illogical. The second reading explanation continues:

(*b*) an estimate is made of the total maintenance cost in relation to the five-year period, this estimate is then reduced to an "annual average cost", and the rates for each year of the period are fixed in relation to that cost.

The Minister is quite right. The Bill does not provide for a valuation every 12 months, but the main point of my argument stands, namely, that, whether it is an annual basis, a five-yearly basis, or a 10-yearly basis, it is utterly impossible to change the valuation where there is only one valuation or betterment that we can look at, and that is the valuation made when the drainage scheme was first done. No other valuation means anything. If more revenue is wanted, all that is done is that a change is made in the rate. The valuation is not changed.

The cost of drainage at Eight Mile Creek, about $7 a hectare, compared to the operative costs in other parts of the South-East, even the Government's own drainage scheme and the scheme conducted by a local council, is so way out that it is time the Government vacated the field completely in that area and handed the matter of drainage to the local council. The work would then be done far more efficiently and far more equitably for the producers, and they would be satisfied that they were controlling that scheme. I could speak on drainage for a long time, but I say that I support the second reading, although I cannot exactly say that I am excited about any change made by the Bill.

Later:

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): Will the Minister explain to me once again what is meant by "rating year"? As I read the Bill, the rating year is taken up until April 30, 1977. Does that mean that there will be a revaluation each year?

The Hon. B. A. CHATTERTON (Minister of Agriculture): No. As I understand it, valuations will be made on a five-year basis. As the Act now stands, the rate must be struck for a five-year period. If the Bill is passed, the rate will be struck annually, although valuations will still be made on a five-yearly basis.

The Hon. R. C. DeGARIS: Has the Government considered having permanent valuations so that everyone knows what is his valuation for the purpose of rating, and so that the Government cannot vary the rate each year merely to get increased revenue that may be required for the Eight Mile Creek drainage scheme?

The Hon. B. A. CHATTERTON: I do not know whether the Government has considered having a permanent valuation. The Bill has been introduced to put rating on a more equitable basis, so that there will not have to be sudden increases every five years. I repeat the assurance that has already been given: the Government is well aware of the plight of those in the dairy and beef industries, and it has no intention of altering the current rate.

The CHAIRMAN: I will permit the Parliamentary Counsel to occupy a seat alongside the Minister of Agriculture.

The Hon. R. C. DeGARIS: The Minister said that there may be a need to increase the rate at some time in the future but that there is no need to do so at present. The present rate, being more than $7 for each hectare, is far greater than what is reasonable for such a drainage scheme. I am therefore surprised that the Minister has said that it may be necesary in the future to increase the rate. Has the Government considered my suggestion that the Eight Mile Creek drainage scheme should not be handed over to the Minister of Works, but rather to the Port MacDonnell council, with the aim of reducing costs to the landholders?

The Hon. B. A. CHATTERTON: I will refer to my colleague the question relating to whether or not the scheme should be handed over to the Minister of Works. Transferring the general control of water resources to the Minister of Works will do much to achieve economies and to reduce the costs of the drainage scheme.

The Hon. R. C. DeGARIS: Is the Government concerned about the very high cost—$7 for each hectare? Will the Government examine some other means of handling the matter, so that the drainage costs can be reduced? Further, will the Government consider totally abolishing all drainage rates in the South-East, because of the ridiculous situation that drainage rates are levied in three separate drainage areas in the South-East?

The Hon. B. A. CHATTERTON: Of course the Government is concerned at the level of rates. I cannot comment on the actual costs involved. In connection with the Leader's point that there are great differences in costs and rates in the three areas, I point out that there could well be other factors influencing the situation. Therefore, one cannot jump to an immediate conclusion. I will refer to my colleague the points made by the Leader.

The Hon. M. B. DAWKINS: We see in this Bill another example of a trend toward putting more power in the Minister's hands. The Government intends to transfer administration of the Eight Mile Creek settlement to the Minister of Works, as the Minister in charge of

the Water Resources Act. This seems to be out of place, because the Eight Mile Creek drainage system gets rid of surplus water, rather than conserving water. Therefore, why is it considered necessary to transfer the administration of the scheme to the Minister of Works? Can the Minister further explain why the references to the Director have been removed?

The Hon. B. A CHATTERTON: It is a question of responsibility. Because the Director's powers are formal, the amendment makes the position clear. The transfer of authority to the Minister of Works is appropriate in view of the review of Ministerial functions. The same type of thing is happening in the Riverland, where most of the drainage works are now administered by the Minister of Works, as the Minister in charge of the Engineering and Water Supply Department. It is appropriate to unify the administration under one Minister.

Clause passed.

Clause 3—"Maintenance of drainage system in the area to be duty of Minister."

The Hon. R. C. DeGARIS: Will the Minister inform me whether the Water Resources Act has any effect on the freehold ownership of the water and drains of other drainage systems controlled by organisations and local government authorities not under the direct control of the Crown?

The Hon. B. A. CHATTERTON: I will obtain the information for the honourable member.

The Hon. R. C. DeGARIS: Under the Water Resources Act, there is a section, dealing with the question of the ownership of water, which says that the Crown, by proclamation, can assume ownership and control. If in future the Eight Mile Creek scheme reverts to another organisation, can the Crown, by proclamation, redirect the council to do what it wants it to do with the water? That applies to the Millicent District Council at the present time.

The Hon. B. A. CHATTERTON: The Leader has raised a rather complex point on which I shall have to obtain information. I was not sure whether he was seeking to ascertain whether or not a proclamation had been made.

Clause passed.

Remaining clauses (4 to 12) and title passed.

Bill read a third time and passed.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 3. Page 342.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill provides for an increase in the number of members on the Medical Board from five to seven by the addition of one nominee from the Flinders University of South Australia and a legal practitioner nominated by the Attorney-General. At present the members of the board are: Dr. Steele, Dr. Shea, Dr. Sandow, Dr. Burston and Prof. Ludbrook. It appears that the addition of two more to the board, with a lawyer nominee of the Attorney-General, and a nominee from the Flinders University, may load the board with board members from one side of the medical profession.

This is not to be taken as any criticism of the people who may be nominated to the Medical Board, or who are on the board at present. The argument for representation from the Flinders University may be valid, yet we must be careful that certain medical interests in the State are not over-represented on the Medical Board. The position in the other States is interesting, and I should like to give particulars to the Council, for the sake of the *Hansard* record. In New South Wales, the Medical Board comprises 13 members, as follows:

A member of the N.S.W. Health Commission or an officer of the commission; a barrister or solicitor nominated by the Minister; a medical practitioner nominated by the Minister; and 10 other medical practitioners of whom three shall be nominated by the N.S.W. branch of the Australian Medical Association, and one shall be nominated by each of the following bodies:

(*a*) the Senate of the University of Sydney;
(*b*) the Council of the University of N.S.W.;
(*c*) the N.S.W. Higher Education Board;
(*d*) the Royal Australasian College of Physicians, N.S.W. Committee;
(*e*) Royal College of Obstetricians and Gynaecologists;
(*f*) Royal Australasian College of Surgeons; and
(*g*) The Royal Australian College of General Practitioners.

In New South Wales the board has a majority of people from the private sector of the medical profession. In Victoria, the position is that the board shall be appointed by the Governor-in-Council and shall consist of nine legally qualified medical practitioners. In Queensland, the legislation provides that the medical board shall consist of seven members, being the Director-General, three members nominated by the Minister, and three members from the private medical sector.

In Western Australia, the Act provides that the board shall consist of seven members, to be appointed by the Governor, of whom six shall be medical practitioners and one shall be a person who is not a person employed in the Public Service of the State. The Tasmanian legislation requires that the Medical Council shall consist of not less than five, or more than nine, members appointed by the Governor, one of whom shall be appointed as President of the Council.

We can say that, while nominations to the Medical Boards around Australia vary, there seems to be a general view that the private sector of medicine should not be totally ignored on those boards. The question that one must decide is what would be in the best interests of the Medical Board in South Australia. Doubtless, the Minister has discussed this matter with the Australian Medical Association, as I have done, and perhaps he has information to give the House on the association's attitude that I have not got. I stress that, irrespective of whether the A.M.A. is in favour of or opposes this proposal, it should not necessarily overinfluence the view that this Council should have. However, if there is an official A.M.A. view, it should be known to the Council.

I also doubt whether a legal practitioner, nominated by the Attorney-General, should have voting rights on the Medical Board. Only one Medical Board in Australia (and I refer to the New South Wales board) has a legal practitioner on it. Of that board's 13 members, a majority of seven is drawn from the ranks of private medical practitioners. I realise that the Medical Board may at times need legal advice. It may, as a statutory board, experience difficulty obtaining from the Attorney-General the advice that it requires in the time span within which the board may need. Nevertheless, I think that legal advice should be available to the board as a resource, not in the form of a legal practitioner with voting rights.

I suppose one could go on arguing a number of matters about representation on the Medical Board. It may be argued, for example, that someone with full voting rights should be acting for the public on the board. I find this argument difficult to sustain and the role of such a person almost impossible to define on a board of this

nature. Although I do not think the board should be denied legal assistance, I question whether a legal practitioner should be involved in making decisions, when his responsibility should be that of tendering advice, when required, to the board.

Two other small amendments are contained in the Bill. Between 400 and 500 medical practitioners register annually, and it is an onerous, if not impossible, task to have these people presented to the board. The amendment in the Bill makes a change to enable the board to call an applicant before it. At this stage, I do not offer any opposition to this procedure.

The final amendment does away with the privilege of continuous registration. I point out that before 1966 a medical practitioner could pay, I think, $10·50 and be granted continuous registration. In that same year, an annual practising fee was introduced, but those registered before that amendment could retain the previous benefit of continuous registration and not have to renew their registration annually. This Bill has been introduced after 10 years of this procedure. At present the Medical Board's sole revenue is provided by the annual fee paid by those doctors who have been registered since 1966. The provision that all doctors will now come within the scope of the annual practising fee is one way of raising an extra $14 000 a year for the operation of the Medical Board. In his second reading explanation of the 1966 Bill, my old friend, the Hon. A. J. Shard, said:

Payment of a commutation fee for life membership in lieu of what will now be called the annual licence fee will cease after the commencement of this proposed legislation, but the position of those who have already paid a commutation fee will not be affected.

Now, 10 years later, that principle is to go. Although I am a little concerned for those older doctors who have had some guarantee that their position before 1966 would be preserved, it is, nevertheless, difficult to oppose the concept of an annual practising fee when more than half this State's doctors are paying an annual fee. Although I will move some amendments in Committee, I support the second reading.

The Hon. J. A. CARNIE: I rise to speak briefly to this Bill. As has been said, its main purpose is to alter the membership of the Medical Board by adding a nominee from Flinders University and a legal practitioner. As the present board has a nominee from Adelaide University, I suppose that Flinders University should also have a nominee. However, I think it is open to question whether there need to be any university nominees on the board at all. If a member of the medical faculty of either university was considered to be a suitable person to be on the Medical Board, the situation could be covered under the present Act. If the Act provided that four board members should be nominated by the Minister, and one by the A.M.A. or, preferably, that three members should be nominated by the Minister and two by the A.M.A., it would be within the power of the Minister or the A.M.A. to nominate to the board any person from either university that it considered suitable. I do not think it needs to be spelt out that a university nominee should be on the board.

However, it is spelt out in the Act and, therefore, the Flinders University Medical School wants to have its say on the board, which, I suppose, is only natural. I question where this will end. If more medical schools are set up in South Australia, must we keep on adding nominees to the board, thereby making it completely unbalanced with university nominees?

As I accept that that is not likely to happen soon, I suppose this matter can be left to be dealt with if and when further medical schools are set up in South Australia. However, I must point out what the position would be if a nominee from Flinders University was appointed to the board forgetting, for the moment, the legal practitioner. Of the board of six members, only two doctors in private practice would be on it. Of the remaining four members, three would be full-time salaried Government employees, and the remaining member would be a person who receives the bulk of his salary from the Government. I therefore consider that the board is in great danger of becoming unbalanced, as the Hon. Mr. DeGaris said. There should be a greater proportion of private practising medical practitioners on the board, which is at present in grave danger of being completely dominated by persons who are not in private practice.

I now refer to the addition of a legal practitioner to the board and, in doing so, reiterate what the Minister, in his second reading explanation, said to justify the addition of a legal practitioner to the board, as follows:

Because the board is from time to time confronted with problems of legal complexity, for example, in cases involving disciplinary proceedings against medical practitioners, the membership of the board is widened by the inclusion of an experienced legal practitioner who will assist it to dispose of these matters in a manner that is procedurally correct.

It is also necessary to amend section 7 of the Act to allow this to happen, because that section provides that no person shall be eligible for appointment as a member of the board unless, at the time of nomination, such a person has been registered as a medical practitioner in South Australia for not less than five years.

I believe that that provision should remain, as the Medical Board deals solely with medical matters, and I believe that doctors should be the ones to deal with such matters. Also, the presence of a lawyer would imply that the normal process of law applied. In effect, it would give the appearance of the board's being a court. I suppose in disciplinary cases it is, in effect, a court, although that is a little different as its proceedings are conducted in a more informal way, and I think it would be better left that way.

There is one interesting point that the Minister could perhaps answer for me. The Bill provides that one member shall be a legal practitioner nominated by the Attorney-General. However, this Bill comes within the ambit of the Minister of Health. I therefore wonder how the Attorney-General gets into the act. Perhaps the Minister of Health should watch this young man, who is trying to go a long way and is prepared to go over the backs of his colleagues. I concede that there will be times when legal advice is necessary for the conduct of the board, although the need for that advice would not occur very often. Board members deal mainly with one or two Acts, and medical practitioners are undoubtedly capable of fully understanding those Acts and the legal processes necessary to administer them.

I therefore believe that it is not necessary to have a lawyer on the board at all, but I repeat that there could be times when a lawyer's advice is needed. There is certainly no need for him to be a full voting member of the board; he should be there in an advisory capacity only. If he is a full voting member, he will occasionally be called upon to give advice to the board and then vote on his own advice; that is an untenable position for a lawyer to be in. He should be there to advise the board, and the board members should then be allowed to act on his advice as they see fit.

The board is in danger of becoming seriously unbalanced, and the people most affected by the board's actions (doctors in all fields of private practice) will have the least say in the conduct of the board. I accept that there should be on the board a nominee from Flinders University, as there is already a nominee from Adelaide University. We should take this opportunity to restructure completely the Medical Board by allowing private practitioners greater representation. Amendments will probably be moved to implement my suggestion.

The second major effect of the Bill is to do away with the principle of continuous registration. I have no quarrel with this aspect. I have not checked it out, but I believe that there is no other professional organisation that has continuous registration. This provision will put all medical practitioners on an equal footing as well as meaning that all medical practitioners, instead of only 50 per cent as at present, will be contributing revenue to the Medical Board. I support the second reading of the Bill.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill, which has been introduced on the unanimous recommendation of the Medical Board itself, which has had many years experience. The board realises that it is to its advantage to have a legal man—

The Hon. R. C. DeGaris: I do not deny that.

The Hon. D. H. L. BANFIELD: Then, why is the Leader opposing the provision? The board appreciates that it already has legal advice available, but that advice is not available instantly, because there is no legal man on the board. The board understands that at times it could go off the rails a bit because it does not have legal advice available to it immediately. For those reasons, it has unanimously recommended to the Government that a legal man be on the board with full voting rights.

The Hon. J. C. Burdett: Why give him a vote?

The Hon. D. H. L. BANFIELD: Either he is a board member or he is not a board member.

The Hon. J. C. Burdett: He could be a full-time adviser.

The Hon. D. H. L. BANFIELD: If he is on the board, he is entitled to vote. The Hon. Mr. Carnie said that the legal man on the board could give advice to the board and then vote on the very question on which he had given advice. Of course, all the board members give their valued advice to the board—

The Hon. R. C. DeGaris: On medical matters.

The Hon. D. H. L. BANFIELD: —and then they vote on that advice. So, what difference is there between that situation and the situation of a legal man giving advice and then voting on it? If he is a board member, he should have full voting rights.

It is not a bad idea for the Government to have the right to nominate certain members to the board. If it is left entirely to the A.M.A. to nominate board members, we could get five general practitioners on the board. Obviously, the A.M.A. would appoint its nominees at a meeting of that association. If the President, the Vice-President, and possibly the Junior Vice-President of the A.M.A. were all general practitioners, A.M.A. members at the meeting would think that they would be giving a vote of no confidence if they did not support the leading members of their executive. So, all the A.M.A. nominees could be general practitioners, or they could be from any other medical discipline.

It is an advantage that the Minister of Health has the right to nominate certain people. We will know who has been nominated by the A.M.A., who has been nominated by Flinders University, and who has been nominated by Adelaide University, and we can then consider what disciplines they specialise in, and we can make our nominations in such a way that other disciplines are also represented on the board. This is the advantage of being able to wait for the nominations to come in; we want a wide spectrum represented on the board.

The Hon. J. C. Burdett: How many are nominated by the A.M.A.?

The Hon. D. H. L. BANFIELD: One. Some people are suggesting that they should do the nominating to the board. A resolution was moved at the A.M.A. meeting that they should nominate three people to the board.

The Hon. R. C. DeGaris: They have not told me.

The Hon. D. H. L. BANFIELD: Well, they have told me; this was a resolution passed at their meeting. Discussions have since taken place, and it was thought that possibly they had gone a little too far with their resolution. However, they were stuck with the resolution.

The Chairman of the board, Dr. Robert Steele, is a general practitioner nominated as representative by the A.M.A. It may be argued that there was not sufficient consultation with the A.M.A. Surely the very reason why Dr. Steele is on the board is that he is the A.M.A. representative; he is the man who has to go back and tell the A.M.A. what is going on in the board. Surely, he is not our responsibility when we have nominated a representative on the board. It is the responsibility of the A.M.A.'s representative to inform it of the position.

The Hon. J. C. Burdett: You should consult the interested bodies directly. You do not consult the representatives.

The Hon. D. H. L. BANFIELD: That is not so. This is the board's decision. The board knows its limitations, it knows what advice it wants. We have accepted the advice of the board, whose job is to administer the Act. It is on the board's recommendation that the Government should act, because the board is comprised of representatives of these bodies.

The Hon. J. C. Burdett: One!

The Hon. D. H. L. BANFIELD: I do not care whether there is one or a dozen. The fact is that we have never put only one representative on the board. It was not our Act that brought this board into being. Honourable members opposite should not look across to this side of the Council and say that this is our Act. We did not determine the board's composition.

The Hon. J. C. Burdett: It is your job to consult the A.M.A.

The Hon. D. H. L. BANFIELD: When this Act came into being its composition was good and we agreed with it. Having received the nomination from the A.M.A., and the nomination from Adelaide University of Professor John Ludbrook, Professor of Surgery and also a practising surgeon, we considered that other disciplines should be represented on the board. We appointed Dr. Brian Shea, who is not only a psychiatrist but also an administrator. We appointed Dr. Maurice Sando, an anaesthetist. We also appointed Dr. Robert Burston, a specialist physician. The Government spread the board membership among the various medical disciplines so it would be well represented.

The board has indicated its desire to have a legal practitioner on it as a member. I resent the implication by the Hon. Mr. Carnie that, because we were going to ask the Attorney-General to suggest a suitable legal man for the board, such an appointment was a reflection on the board. Whom does the honourable member suggest we should have as a suitable legal man? Does he suggest

that we should appoint a chemist, or someone like that? Would such a person be familiar with the same problems as a legal man?

The Hon. J. C. Burdett: You would speak to the Attorney-General before appointing a legal man, would you not?

The Hon. D. H. L. BANFIELD: Of course we would speak to the Attorney-General about such an appointment. I give an undertaking that we will speak to the Attorney-General, and tell him that we are looking for a man with sufficient experience, preferably one who has practised in matters concerning the medical profession. We would tell him of the sort of advice that is wanted. I believe that the nomination of a legal man should come through the Attorney-General. I would resent it if the Attorney-General attempted to suggest my nominee on the board. It would not be reasonable for the Attorney-General to nominate a health officer: that is within my province, and I think the appointment of a legal man falls within the province of the Attorney-General. I see nothing wrong with that.

I thank honourable members for the attention they have given the Bill, the need for which has arisen mainly because of a desire for legal representation and because, with a nominee from Flinders University, the board has taken the opportunity to acknowledge the valuable work being done and the contribution that could be made by that institution. I commend the Bill to honourable members.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Constitution of the board."

The Hon. R. C. DeGARIS (Leader of the Opposition): I thought this was a relatively unimportant Bill, but I did not realise how deeply it cut across Government policy. As the Minister disagrees so violently with the suggestions I made, I ask that he report progress while I reassess the position and discuss amendments with Parliamentary Counsel. If possible we will get back to it this afternoon. I am not ready with amendments, but I believe that the Council should consider amendments raised by the Hon. Mr. Carnie and myself.

The Hon. D. H. L. BANFIELD (Minister of Health): I did not violently oppose the suggestions: I wisely opposed them. It is not a matter of Government policy: the Bill is the result of recommendations by the Medical Board, the composition of which was sorted out by honourable members opposite. However, I am happy to report progress and to seek leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: Although I have instructed the Parliamentary Counsel to draw up amendments, they are not yet to hand.

The CHAIRMAN: It might be appropriate for the honourable Leader to move an enabling amendment to test his position.

The Hon. R. C. DeGARIS: I move:

To strike out lines 15 and 16.

The purpose of this amendment is to enable me to move subsequent amendments. If the board consisted of two members nominated by a Minister, two members nominated by the university, and three members nominated by the A.M.A., there would be a small majority of members appointed by the Minister and the universities. I am not in favour of the appointment to the board of a legal practitioner, as a speedier course can be obtained by the Minister providing the board with a legal resource.

The Hon. C. M. HILL: When such a matter is considered by the Committee it is normal for honourable members to review it in detail by ascertaining the views of the relevant association or industry in order to look after the best interests of those concerned. The same position applies to any Bill, regardless of its content. I would like to know the views of the A.M.A. regarding this Bill and the amendments. I have not contacted the A.M.A., because the Leader has done that. I would not necessarily be bound by the A.M.A.'s views, but I should like to know its stand in order to make the best possible decision in this matter. The honourable Leader contacted the A.M.A. about a fortnight ago, but he still has not obtained its view. Either it is not interested in this measure or it has not any firm opinion. Did the Minister say that the board was unanimous in seeking these changes? Being at a loss to know what the A.M.A.'s views are on the matter, realising that one of its members who is a present member of the board supports the Government change, I find it difficult to support an amendment that increases the A.M.A. membership of the board from the present one member to three members. That is one point.

The second point is that I am inclined to support the view expressed by honourable members on this side that it is a little odd for a legal practitioner who is also a nominee of the Attorney-General to take a place of full membership on this board. I appreciate the Minister's contention that the board felt it had to wait too long before it obtained opinions from the Crown Law Office. Nevertheless, it seems to me that to put a member of the legal profession on the Medical Board with full voting rights is a procedure that should be looked at carefully.

The other matter that arose in the debate was medical practitioners in private practice having representation on the board. I agree with that, but no amendment has been mooted along those lines. I do not know whether it is possible to define the situation, within an amendment, of a medical practitioner in private practice compared with one who may be, for instance, in the State Public Service or an academic attached to one of the universities.

So, in a nutshell, I am confused about the matter but am inclined at this moment generally to support the Government's Bill, for the principal reason that the A.M.A. has had ample opportunity to let members on this side of the Chamber know its views. It appears from what I have heard that it has not done that. I still am concerned, however, about the situation of the legal practitioner. Whilst I am inclined to accept the Government's proposal, for the reasons I have given, I am still concerned about the real need, as explained by the Government, for a member of the legal profession to be a member of this board.

The Hon. J. A. CARNIE: Like the Hon. Murray Hill, I am a little concerned.

The Hon. N. K. Foster: I thought he was confused, not concerned.

The Hon. J. A. CARNIE: First of all, we are discussing amendments that none of us has yet seen, which makes it a little difficult. Secondly, there is the point raised by the Hon. Murray Hill about the views of the A.M.A. I spoke to a representative of the A.M.A. a week or two ago. At that stage, it had not met to determine an official view. I am still not sure whether it has met, because I have heard nothing further from it. The fact that the Hon. Mr. Hill said that the A.M.A.'s representative on the Medical Board obviously supports this is, to me, not really important, because he may not represent the view of the A.M.A.: he may be putting his own view, which he is perfectly entitled

to do. Despite a possible division in the A.M.A., honourable members must form their own conclusions. At least, that is what I have done. In the second reading debate I said that I believe the board is in great danger of becoming unbalanced, because it will not have sufficient representatives from those people that the board most affects—doctors in private practice. I believe it can be assumed that if the A.M.A. had power to nominate more than one member it would ensure that those members came from private practice. However, the Minister could alter the situation if he thought the board had become unbalanced. I am strongly opposed to a lawyer being a full voting member on the board.

The Hon. D. H. L. BANFIELD: For the information of honourable members who believe that medical practitioners are not being given a fair go on the board, I would point out that Dr. Steele is a general practitioner in private practice.

The Hon. M. B. Cameron: That's one.

The Hon. D. H. L. BANFIELD: Dr. Robin Archibald Burston is a specialist physician in private practice.

The Hon. M. B. Cameron: That's two.

The Hon. D. H. L. BANFIELD: Professor John Ludbrook, nominated by the Adelaide University, is a practising surgeon. That is three out of five medical practitioners on the board. We also have Dr. Maurice James Wilson Sando, and it so happens that he works in a Government hospital. It also happens that, in addition to his being an anaesthetist, he is a Past President of the A.M.A. and is still a member of that association. You cannot get a much wider representation.

The Hon. R. C. DeGaris: That's two all.

The Hon. D. H. L. BANFIELD: It is not two all. Dr. Steele is a private practitioner, Dr. Burston is a specialist physician and Professer Ludbrook is a practising surgeon. There are five members on the board, three of whom practise privately. True, I have my Director-General on the board, but it is also true that we want a divergence of disciplines on the board. In that regard there is no more a specialist than Dr. Sando. True, he does work at the Adelaide Hospital, but he was not appointed because he worked at that hospital: he was appointed because he is a specialist in his field. So we have a complete variance of disciplines as far as the medical profession is concerned, within the limitations of there being five members on the board. I therefore oppose the amendment and insist that a legal practitioner is needed to advise the board. Recently, a judgment was handed down by the court, and a legal adviser is needed on the board to advise board members on the best way to carry out the court's suggestions. For that reason we should have a lawyer on the board.

The Hon. R. C. DeGARIS: My amendment has now been given to the Minister. I seek leave to withdraw my existing amendment.

Leave granted; amendment withdrawn.

The Hon. R. C. DeGARIS: I move:

Page 1, lines 10 to 19—Leave out all words in these lines and insert "by striking out subsections (2) and (3) and inserting in lieu thereof the following subsections:

(2) Until a day fixed by the Governor for the purposes of this section, the Board shall consist of seven members appointed by the Governor of whom—

(*a*) three shall be appointed on the nomination of the Minister;

(*b*) two shall be appointed on the nomination of the Australian Medical Association (See the Australian Branch);

(*c*) one shall be appointed on the nomination of the Council of the University of Adelaide;

(*d*) one shall be appointed on the nomination of the Council of The Flinders University of South Australia.

(3) After a day fixed by the Governor for the purposes of this section, the board shall consist of seven members appointed by the Governor of whom—

(*a*) two shall be appointed on the nomination of the Minister;

(*b*) three shall be appointed on the nomination of the Australian Medical Association (South Australian Branch);

(*c*) one shall be appointed on the nomination of the Council of the University of Adelaide;

and

(*d*) one shall be appointed on the nomination of the Council of the Flinders University of South Australia.

I believe that this amendment puts the debate in some sort of order.

The Hon. J. C. BURDETT: I support the amendment. It would be wrong to put a legal practitioner on the board as a member. The medical profession is capable of conducting its own affairs. The only reason that has been given for having a legal practitioner on the board is that his advice may be needed. If advice is needed, the board can, under the Act, obtain advice. However, if a legal practitioner is a member of the board, he will be there in judgment, and there is a common saying that a lawyer who represents himself has a fool for a client.

The legal practitioner will give better advice if he is not interested in the result and not thinking about protecting himself, but if he was a member of the board he would not be in that position. A similar position applies to courts martial, where the judge advocate advises the members of the court martial but does not vote. Regarding the other aspect, the board will mainly hear complaints, usually complaints against private medical practitioners, and there should be a balance between Government appointees to the board and academics.

The Hon. J. R. Cornwall: Are you suggesting that the private practitioners are less competent?

The Hon. J. C. BURDETT: No, certainly not. The honourable member knows perfectly well that the complaints to the board are likely to be against private practitioners, for the reason that salaried employees would be disciplined in the ordinary course of their jobs. Therefore, it is necessary that there be a balance between Government-appointed members of the board (who should certainly be represented), academics, and private practitioners. It is a pity that it is necessary to have two academics on the board, because really one would do. If we could rely on the two universities to sort out who their representative would be, that would be sufficient but, unfortunately, they would be unlikely to agree. They will each want a representative. I support the amendment.

The Hon. C. M. HILL: I have had further opportunity to discuss the matter of a legal practitioner with the Parliamentary Counsel. A legal practitioner cannot be a member of the board and have voting rights because, as a member of the board, he would be liable if action were taken against the board. I intend to support the Bill, except for the matter of the legal practitioner and, when we come to that line, I will move that lines 15 and 16 be deleted.

The CHAIRMAN: That point is already encompassed in the Leader's amendment.

The Hon. C. M. Hill: I haven't seen that amendment.

The Hon. Jessie Cooper: He's already moved it.

The CHAIRMAN: No. I am not sure whether the Leader actually moved his amendment. I assume that he did and, if that is so, that amendment encompasses the Hon. Mr. Hill's point about the deletion of lines 15 and 16.

The Hon. M. B. CAMERON: I am totally confused about what amendments are in or out. Will the Minister allow us to give some thought to the Bill, because I think that we will make a reasonable decision about the Bill if we know what we are talking about? It is difficult to discuss amendments that are not in front of us.

The Hon. D. H. L. BANFIELD: They are not my amendments, and they should have been on file for some time if the Leader wanted to move them.

The Hon. C. M. Hill: That's not fair.

The Hon. D. H. L. BANFIELD: It is obviously fair. The Bill was introduced—

The Hon. C. M. Hill: You agreed to the adjournment.

The Hon. D. H. L. BANFIELD: Yes. I moved the adjournment of the debate and gave honourable members opposite plenty of time in which to get the information they required.

The Hon. C. M. Hill: That wasn't the reason and you know it. It was so that the A.M.A. could consult with you and your officers.

The Hon. D. H. L. BANFIELD: Members opposite had exactly the same time in which to confer with the A.M.A. as I did.

The Hon. J. C. Burdett: It was difficult to get to them.

The Hon. D. H. L. BANFIELD: It was not. Honourable members have had three weeks since this Bill was introduced to do what they wanted to do, and now they complain because they have not got the amendments on file.

The Hon. J. C. Burdett: We had difficulty in getting access to the Parliamentary Counsel.

The Hon. D. H. L. BANFIELD: Members opposite have legal men amongst their ranks who could have drawn up the amendments. Have they no confidence in their Party? Did they make any attempt to gain access to the Parliamentary Counsel in that time?

The Hon. J. C. Burdett: Yes, today.

The Hon. D. H. L. BANFIELD: Why was not such an attempt made in the past three weeks if honourable members opposite did not consider that the Bill was satisfactory? The Opposition has fallen down on its job, in not getting the amendments on file in time for them to be debated. They cannot blame the Government for this. I ask that progress be reported.

Progress reported; Committee to sit again.

TERTIARY ALLOWANCES

The Hon. ANNE LEVY: I move:

(1) That this Council notes with concern—

(*a*) that the Budget of the Commonwealth Government makes no increase in the value of the tertiary education assistance scholarship;

(*b*) that no adjustment will now be made until the 1977 calendar year despite the fact that the consumer price index has increased by over 20 per cent since the last adjustment 20 months ago;

(*c*) that the students and community generally have voiced their concern over the level of payments particularly their relationship with unemployment benefits; and

fails to understand why the indicated inquiry into this matter has been delayed until after the Budget.

(2) That this Council deplores this apparent callous disregard for student welfare and requests the Government to make urgent representations to the Federal Government for an early review of the position.

In considering this motion we need to consider, first, the facts and figures relating to this matter. Current rates for a Tertiary Education Assistance Scheme (TEAS) vary according to whether students are dependent or independent, and whether they live at home or away from home. For students living at home, the so-called normal allowance is up to $21 a week. This is means-tested on the basis of parental income, the full amount being received where the family income is less than $7 600 a year, and the actual allowance is derived on a linear scale, adjusted on the family income going from $7 600 up to about $15 000.

For a student who has to live away from home because his parents live too far from the tertiary institution that he is attending, the allowance is also means-tested on the same basis, but the maximum possible allowance is $31 a week. The independent student allowance is that received by a student who is independent of his or her parents, who lives away from home, has been self-supporting for at least two years prior to becoming a student, or is married, and this allowance is a flat rate of $31 a week. If there is a dependent spouse, the allowance is increased by $15 a week and, for each dependent child, the allowance is increased by $7 a week—$7 a week! How can anyone maintain a child on $7 a week? These allowances have not been changed since January, 1975, so it is 20 months since they were last considered.

As well as the basic allowance provided to the student, there is an incidental allowance, which varies according to the type of educational institution the student attends: it is $100 for a university, $70 for a college of advanced education, and $30 for a technical college. The aim of this incidental allowance is largely to cover compulsory union fees, which are charged by the student unions at educational institutions.

The Hon. R. C. DeGaris: Do you think that is wise?

The Hon. N. K. Foster: You are reading the *News*. Keep your head down.

The Hon. ANNE LEVY: When these incidental allowances were established the union fees at the educational institutions used up about 50 per cent of the incidental allowance, which left a sum of about $20 to $50 which would be available for book purchases. However, since this allowance was set, the union fees at educational institutions have risen markedly, so that they are now very nearly equal to the incidental allowance. In fact, at Flinders University they have overshot the incidental allowance, and consequently a negative sum is left for book purchases.

The Hon. R. C. DeGaris: Do they have to join the union?

The Hon. ANNE LEVY: It is compulsory for every student to be a member of the student union at any educational institution. The union at an educational institution is for cultural, recreational, and service facilities provided for all students and funded by the students themselves. As regards the money provided for the students under these allowances, I think it is worth while looking at the rates of unemployment benefit that have applied since TEAS allowances were last looked at.

In January, 1975, when the maximum possible allowance for a student was $31, the unemployment benefit was also $31 for a single person. However, that was increased in May, 1975, to $36; in November, 1975, to $38·75; and in May of this year to $41·25. The Treasurer announced the other evening that in November of this year it would rise to $43·50. This means that, whilst the tertiary student allowance 20 months ago was exactly the same value as the unemployment benefit for a single person, it has now fallen to only 75 per cent of the unemployment benefit; and, when the new unemployment benefit is brought in in November, it will fall still further and be only 70 per cent of the unemployment benefit.

If we look at the figures for people with dependants and take as an example an individual with a dependent spouse and two dependent children, the unemployment benefit in January last year was $61·50, and the amount received under the TEAS scheme was 98 per cent of the unemployment benefit—in other words, virtually the same. With no increase at all in the TEAS allowance and the increases in the unemployment benefit, including increases in rates for dependants, the unemployment benefit for a person with a dependent spouse and two children at the moment stands at $83·50 a week, and in November will rise to $87·50 a week. Therefore, the student in this situation with a dependent spouse and two children currently is receiving only 72 per cent of what he would receive in unemployment relief, and as from November next he will receive only 69 per cent of what someone on unemployment benefit will receive. These figures indicate the lack of realism that applies to the TEAS scheme at the moment, or to the allowances under the scheme.

The Hon. R. A. Geddes: What do you call the scheme?

The Hon. ANNE LEVY: The TEAS scheme; it is the Tertiary Education Assistance Scheme, commonly abbreviated to TEAS by the students. In the period since the TEAS allowances were last increased, the official consumer price index has shown an increase of over 20 per cent—that is, taking the figure for the December, 1974, quarter and comparing it with the figure for the June, 1976, quarter. By the end of this year, it will probably have increased by about 27 per cent, and yet for that time the students have not had their allowances increased.

There has been considerable agitation for some months to have the allowances increased. It surely seems anomalous that someone who is entirely dependent on this allowance while working as a student is receiving less money than he would if he was unemployed and doing nothing. The agitation from the Australian Union of Students has been supported by a wide variety of people. Only two months ago, on the steps of this building, they were supported by both the Minister of Education in this Government and the Leader of the Opposition in the other place. Concern has also been voiced on their behalf by people connected with universities and colleges of advanced education and by welfare officers who have had contact with students and are aware of the hardships in which some of them are involved. Also, the Vice-Chancellors of universities have made representations to the Federal Minister for Education (Senator Carrick) on their behalf.

I assure honourable members that the Federal Minister has received many requests and representations in this matter, and he must have received many more than I am aware of. He has said that that matter would be considered but he has been saying this for eight months now. It is obvious that, in the eight months for which he has been Minister for Education, he has done nothing at all regarding this matter. In July, Dr. Tonkin stated that Senator Carrick had told him that he was looking into the matter of the TEAS allowances. In April Dr. Hopgood issued a statement urging reappraisal of TEAS scholarships by Senator Carrick as a matter of urgency.

However, we have the Federal Budget, brought down only two evenings ago, indicating that a review of the TEAS scheme will now start. Despite that, Senator Carrick has been indicating for several months that reviews were occurring, and the students expected to receive some sort of justice in the Federal Budget, yet we have been told in that Budget that a review will now start. Nothing at all has happened in the past eight months regarding a review of this scheme. Furthermore, the Commonwealth Treasurer has said that, when a review has been made, any adjustment can take place only from the beginning of the next calendar year.

It is bad enough that pensioners and other people on unemployment benefits must wait another two and a half months before they get their increase in line with the latest consumer price index figure, but I fail to see why the students, who have had no increase at all for 20 months, must wait at least another four and a half months before they receive any adjustment of their allowances, while the cost of living has increased by 27 per cent.

How on earth can anyone expect to exist on $31 a week? If one speaks to welfare officers at the universities or colleges of advanced education, one hears of pathetic cases, such as people denying themselves food and living in the most deplorable conditions as they try to survive on $31 a week, which, incidentally, apart from being used to purchase food, shelter and clothes, must also be used to purchase books and other material required for studies.

Perhaps it is relevant to consider how many students are trying to exist on the present pittance that the Federal Government expects them to survive on. In South Australia at present there are about 35 000 students at tertiary institutions recognised for the purpose of TEAS scholarships. Of these, 25 000 are full-time students, and only full-time students are eligible for this allowance. A total of 9 200 get some allowance. That means that about 40 per cent of full-time students are relying on at least a part-allowance to enable them to attend a tertiary institution.

Further figures show that about 10 per cent of all full-time students are surviving on the full allowance; that is, their situation is such that their family is not expected to contribute at all to their maintenance, and they are forced to exist entirely on the maximum allowance from TEAS. About 2 500 students in South Australia alone are trying to live on this miserly allowance. Many of them have dependent spouses and children, who also are suffering from this poverty.

Indeed, a quick calculation I made (I cannot vouch for its accuracy) shows that about $1 600 000 in a full year would suffice to bring these students up to the unemployment relief level. This is hardly a vast sum, particularly when we consider it in relation to the $1 800 000 that was spent by the Federal Government in the past financial year in celebrating the United States bi-centenary. As I have said, I have never understood what this had to do with Australia, and it seems to me that, if this money had been used to help bring the allowance for students up to the unemployment relief level, it would have been spent in a much better way.

In the past, students have tried to supplement their tiny allowances with vacation jobs, but we know that these are impossible to get at present. We have record unemployment under the present Government, and this unemployment hits young people particularly. The unemployment rate for young people is much higher than the general figure, and this is just the age group in which there would be many students who are trying to supplement their allowance with vacation jobs. When the allowances were introduced, the students could get jobs to supplement what they receive and improve their standard of living, but now it is impossible for them to add to their allowance, yet the allowance is between 70 per cent and 75 per cent of the unemployment benefit and the students are expected to try to live on that.

In view of these facts, I consider the motion speaks for itself. We can only call it callous disregard for

student welfare when, for eight months, the Minister for Education (Senator Carrick) has done nothing to renew the allowances and when the Treasurer, on Tuesday evening, did not allow for any increase. As so many students are suffering and as there is an injustice to this section of the community, I urge all members of the Council to support the motion. Hopefully, further representations to the Federal Government from our State Government for an early review and implementation of it may have an effect and do much for student welfare throughout the State and, indeed, throughout Australia.

The PRESIDENT: Is the motion seconded?

The Hon. J. R. CORNWALL: Yes, Mr. President.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am surprised that the State Parliament is being used as a Federal campaigning ground.

The Hon. N. K. Foster: Don't talk rubbish! Look at *Hansard* and see what you did when the Labor Government was in office.

The Hon. R. C. DeGARIS: The honourable member may look at *Hansard* if he wishes but what I am saying is true.

The Hon. N. K. Foster: It's equally true of your crowd.

The Hon. R. C. DeGARIS: I have never seen a motion come before the Council criticising the Federal Parliament and Budget and couched in such extravagant terms. Since being elected to the Council, the Hon. Miss Levy has made few contributions—

The Hon. F. T. Blevins: Go on! What kind of statement is that?

The Hon. R. C. DeGARIS: The Hon. Miss Levy suddenly seems keen to project herself into offering criticism of one aspect of the Federal Budget. My advice to her, for what it is worth, is that she could employ her time more efficiently examining legislation which comes before the Council, which concerns the State Government and which is of interest to the people of South Australia, rather than playing the game of politics as blatantly as she is doing in moving this motion.

If the Hon. Miss Levy is genuinely concerned about this matter, at least let us make the motion somewhat more reasonable. Without the political propaganda that it contains, the motion has some support from all honourable members. It most certainly has the support of the Leader of the Opposition in the House of Assembly, who has already expressed himself on it.

The Hon. N. K. FOSTER: Will you give way mate?

The Hon. R. C. DeGARIS: Certainly.

The PRESIDENT: Order! The Hon. Mr. Foster might be the Leader's mate, but he is not so while this Council is in session. I ask him to cease using that word when referring to honourable members.

The Hon. N. K. FOSTER: Very well, in due deference to your ruling, Mr. President, Sir, I will do so. However, it is a great Australian description.

The PRESIDENT: But there are places in which the honourable member should and should not use that expression, and he should not use it in this Chamber.

The Hon. N. K. FOSTER: I have been distracted for long enough. I draw the attention of the Hon. Renfrey, by the grace of God, DeGaris, the self-appointed lord of the Chamber, to page 2562 of *Hansard* of February 26, in the year of our Lord one thousand nine hundred and seventy-five. In the right-hand column of that page of *Hansard*, the following appears:

MEDIBANK SCHEME

The Hon. R. C. DEGARIS (Leader of the Opposition): I move:

That, in the opinion of this Council, the acceptance by the State of the Commonwealth Government's proposals . . .

And on it went! That means that what you said a moment ago is quite misleading. Far be it from me to say that you are telling fibs, but I suggest that you do not carry on in the vein that you are lily-white. We have a right to complain on behalf of our constituents when they are being done in the eye by the Federal Liberal Government.

The Hon. R. C. DeGARIS: I do not wish to reply to that. If one examines the Medibank motion, one will see that it concerned the issue of hospitals in South Australia. It had nothing to do with any criticism of a Federal Budget. I will now return to the point I was making. Without the political propaganda that the motion contains, honourable members would have some sympathy for the points raised by the Hon. Miss Levy.

The first person to raise this matter in this State was the Leader of the Opposition in another place, who raised it publicly. As I have said, the extravagant language and one-sided presentation of the motion overlooks many other facts. The Hon. Miss Levy dealt with the matter of unemployment. No-one supports a pool of unemployed persons. One must realise, however, that from 1972-1975 the number of unemployed in Australia multiplied three times, yet the whole blame for Australia's unemployment is sheeted home to the present Federal Liberal Government. That, I suggest, is grossly unfair.

Paragraph 1 (*c*) of the motion contains the words, "that the students and the community generally". What right has anyone in this Council to commit the community generally to this viewpoint? I heard a radio programme recently, and the number of people who telephoned opposing any increase in student allowances far exceeded those who supported such an increase.

The Hon. N. K. Foster: Do you think that's a reasonable guide?

The Hon. J. C. Burdett: What other guide have you got?

The Hon. R. C. DeGARIS: To make the motion at least fair and reasonable, I think it should be amended. I therefore move the amendment that is on honourable members' files. I will read it out in full for the benefit of honourable members.

The Hon. ANNE LEVY: I rise on a point of order. I seek your guidance, Sir, whether I should raise this point of order now or wait until the Hon. Mr. DeGaris has read his amendment. I draw your attention to Standing Order 132, which states that every amendment must be relevant to the matter to which it is being moved. The first part of the amendment circulated by the Hon. Mr. DeGaris has nothing whatsoever to do with the motion, which is concerned with student allowances and unemployment benefits and the relationship that exists between them. Nowhere does it mention inflation, pensioners, the aged, superannuants, those on fixed incomes, the farming community, or wage and salary earners. I ask you, Sir, to rule that the first part of the Hon. Mr. DeGaris's amendment is completely irrelevant to the motion and that, therefore, it should not be admitted.

The PRESIDENT: In reply to the honourable member, I think that at this stage the Hon. Mr. DeGaris is only giving notice of what I would call a series of amendments. I do not regard this as one complete amendment. I was

going to suggest that these amendments should be moved later in Committee, as they are a whole series of amendments rather than just one amendment. I do not know whether the Hon. Miss Levy or some other member would move to that effect, although I think that is the best way of dealing with this whole series of amendments. The Hon. Mr. DeGaris now has the floor, and, if this procedure was adopted, he would not have to move the amendments at this stage but would merely say that he intended to move them in Committee.

The Hon. R. C. DeGARIS: I rise on a point of order. The Council is debating a motion. Does it have to go into Committee?

The PRESIDENT: No, but I think that, because it involves a series of amendments rather than just one amendment, it would be more appropriate to deal with the matter in Committee. However, that is a matter for the Council to decide.

The Hon. R. C. DeGARIS: Then I so move, Sir.

The PRESIDENT: Is the Hon. Mr. DeGaris going to move the amendments now?

The Hon. R. C. DeGARIS: I want to follow whatever is the correct procedure.

The PRESIDENT: I suggest that, if the honourable Leader wants to adopt that procedure, he should move that the Council resolve itself into a Committee for the purpose of considering a series of amendments to the motion moved by the Hon. Miss Levy.

The Hon. R. C. DeGARIS: At this stage?

The PRESIDENT: Not necessarily. The Leader can speak generally to the motion at present. Has the Leader concluded his remarks?

The Hon. R. C. DeGARIS: No, I want to deal with the amendment that I intend to move.

The Hon. ANNE LEVY: I rise on a point of order, Mr. President. Can the Leader, by way of debate, refer to an amendment that may well be out of order? He may not be speaking to the substance of the motion.

The Hon. R. C. DeGARIS: The amendments I will move are relevant to the subject matter.

The Hon. C. J. SUMNER: I rise on the point of order. It is clear that you, Mr. President, must rule on this matter at this stage; otherwise, we will have a debate ranging over much irrelevant material. If the foreshadowed amendment of the Hon. Mr. DeGaris is irrelevant to the substantive motion, we should not be discussing that amendment, and the Hon. Mr. DeGaris should not be allowed to use this debate to range over topics that are not encompassed within the substantive motion. As to the question of relevance, I strongly submit that this motion is limited; it deals with student allowances. Yet the Hon. Mr. DeGaris has tried to introduce a whole series of absurd propositions, and he has tried to tie them into this motion—for example, the major cause of inflation, and the economic disease of inflation, affecting not only students but all members of the community. These matters are not strictly relevant to the motion. I shall be happy to debate these matters at some time, but they are not appropriate to this substantive motion.

The Hon. J. C. BURDETT: I wish to speak to the point of order, Mr. President. The substance of the motion is the Federal Budget.

The Hon. Anne Levy: It is not; it is about TEAS.

The Hon. J. C. BURDETT: It is about the Budget. There would be no point in the motion if it did not relate to the Federal Budget. The amendment, in any event, relates to students as well as to economically disadvantaged members of the community and to the community at large. The motion is about the Budget; the amendment, being about the Budget, is entirely in order.

The PRESIDENT: I have considered the points of order and the remarks made by honourable members. I rule that the subject matter of this motion is contained in paragraph (*a*) of the motion, and it is limited to the failure of the Federal Government to make increases in the value of the Tertiary Education Assistance Scheme. Therefore, all debate and amendments must be relevant to the subject matter of that motion. If at some stage parts of the amendment foreshadowed by the Hon. Mr. DeGaris are moved either in Committee or in open session, they will have to be ruled out of order. That does not apply to all the parts of the amendment of the Hon. Mr. DeGaris; some are quite relevant.

The Hon. R. C. DeGARIS: I rise on a point of order. Standing Order 158 states:

By resolution the Council declares its opinions and purposes;

How can the Council declare its opinions and purposes if one is unable to amend the motion before the Chair?

The Hon. F. T. Blevins: Are you reflecting on the Chair?

The PRESIDENT: Standing Order 158 is a definition. It distinguishes between resolutions and orders. I have ruled that the debate and the amendments must be confined to the matter of the Tertiary Education Assistance Scheme, and to the provision or lack of provision for that purpose in the Federal Budget.

The Hon. R. C. DeGARIS: As I understand it, we still have to get ourselves into the Committee stage to move amendments.

The PRESIDENT: Yes, when this debate is finished. We do not have to go into Committee, but I have suggested that that would be a convenient way of dealing with the matter. I am in the hands of the Council.

The Hon. R. C. DeGARIS: Most honourable members can say that they would have liked to see an increase in tertiary education allowances. Further, most honourable members can say that they would have liked to see assistance granted to other sections of the community. We can say that we would have liked to see a reduction in inflation. This motion tackles only one point in a large and difficult problem that the Federal Government has had to tackle. It would be grossly unfair and unjust if this Council passed a simple motion couched in these terms offering strong criticism of a Federal budgetary matter while the range of difficulties that the Federal Government inherited was totally ignored.

If this Council passed such an unjust motion couched in such language without amendment, we would be doing a grave injustice to a Federal Government that inherited one of the most difficult financial situations ever inherited by a Federal Government in the history of Australia. The present Federal Government is doing its best to get this country out of its difficulties. It would therefore be far better if people like the Hon. Anne Levy adopted the attitude of the Premier of New South Wales who said, "Let us get our coats off and support the Budget", instead of offering criticisms such as those contained in the language of this motion. One can say that one would have liked to see many things happen. At this stage, I am willing to support the general feeling of the motion, but I am not willing to support this motion as it is presently drafted, because it is grossly unfair to any Federal Government.

The Hon. C. M. HILL moved:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy (teller), and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. T. M. Casey.

The PRESIDENT: There are 9 Ayes and 9 Noes. This is a private member's motion and the honourable member has indicated to the Council that she desires the debate to continue without adjournment. Therefore, I give my casting vote for the Noes.

Motion thus negatived.

The PRESIDENT: The debate may proceed either in open session, or in Committee, if any honourable member wishes that the Council should form itself into a Committee for the purpose of discussing the wording of the motion. I do not think it will make much difference whether we do it one way or the other.

The Hon. C. M. HILL: First, I feel obliged to give one reason why I moved the adjournment of the debate. As I know that this Council is not sitting for the next two weeks, I thought that in that period it would be possible for members who are genuinely interested in this subject to obtain further information from the Minister and his office in Canberra that might be of value in the debate and of great help to students who have been unfortunately affected by this section of the Budget.

The Hon. J. E. Dunford: They won't understand the position if they are starving on $32 a week, no matter what the explanation is.

The Hon. C. M. HILL: Many students would give full consideration to a wider explanation from Canberra regarding this Budget item than has been given in the Budget speech and the Budget papers. However, if it is the wish of the honourable member that we proceed with the debate, I am quite willing to do so.

The Hon. F. T. Blevins: You must.

The Hon. C. M. HILL: I did not have to go on with it; I need not have got to my feet. However, because we are not able to get that information, which I would have liked to have and which I am sure would be to the benefit of this Council and the students involved, we must simply debate the matter on the facts as we know them. The Hon. Anne Levy raised as the basis of her argument the actual amounts received by students. Although I do not want to be too finicky about this matter, I point out that the total amount to be spent under this scheme in the current financial year is greater than the total amount paid out under this scheme in the last financial year.

The Hon. Anne Levy: There are now more students.

The Hon. C. M. HILL: Perhaps, but it can be argued that the honourable member's statement in the motion that the Commonwealth Budget makes no increase in the value of TEAS is not correct. As this is a matter on which the Council should be informed, I refer to page 34 of the official Budget papers that were received by the Parliamentary Library only today. The following statement is made:

The cost of the scheme with present benefits and conditions is estimated to be $90 800 000 in 1976-77 compared with $89 500 000 in 1975-76.

The Hon. N. K. Foster: That is not an individual increase.

The Hon. C. M. HILL: It is—

The Hon. N. K. FOSTER: Will the honourable member give way?

The Hon. C. M. HILL: Yes.

The Hon. N. K. FOSTER: The figures quoted by the honourable member do not represent an increase in student allowances. The figures provide for increases in the number of students. I suggest that the honourable member now repeat to the Council what the Commonwealth Minister (Senator Carrick) said on an A.B.C. programme last night (it was a repeat of what he said in the Senate yesterday afternoon). The honourable member knows what the Senator said yesterday when he was under attack. Be honest!

The Hon. C. M. HILL: I did not listen to the Parliamentary debates last night, nor do I know what Senator Carrick said, through the press or through any other means, in Canberra yesterday. However, as the honourable member wants me to quote from some official document. I will refer to these Budget papers, because they deal with the matter before us. I refer to the following statement:

All full-time non-bonded Australian undergraduate students admitted to approved courses at tertiary and approved post-secondary institutions are eligible, subject to a means test, for living and other allowances under the Tertiary Education Assistance Scheme. This scheme was introduced in January, 1974, to supplement the Commonwealth Government's decision to undertake full financial responsibility for tertiary education and to abolish fees as from that date. This scheme is covered by the review of the Government's student assistance programmes referred to above.

The Hon. Anne Levy referred to the review in her motion. For the purpose of explanation I refer to the actual Budget speech under the heading "Education", because it touches on TEAS and the review referred to in the motion. To satisfy the Hon. Mr. Foster I will read all of the Budget speech.

The Hon. J. R. Cornwall: You are filibustering—that's all you're doing.

The Hon. C. M. HILL: It is not a lengthy comment, but it tends to put the whole subject of the motion into some perspective. It is not unfair to do that. It is easy to take one particular item—

The Hon. J. E. Dunford: You can take a lot more than one.

The Hon. C. M. HILL: Mr. Wran has not been able to find something on which to comment, and nor has Mr. Dunstan. I understand your Premier's first reaction to the Budget was, "There is nothing in that that I can criticise." Honourable members opposite know that what I am saying is true.

The Hon. J. E. Dunford: It is not true.

The Hon. C. M. HILL: I do not want to develop an argument in opposition to the general theme of the Hon. Anne Levy's motion. I agree with the honourable member and other honourable members, too, that it is a pity that this section of the community has not so far been treated better than the Budget papers indicate, the reason being, as honourable members opposite know, that the whole matter of student allowances under TEAS is under review by the committee that has been mentioned.

The Hon. Anne Levy: That was eight months ago.

The Hon. C. M. HILL: I sympathise with the students in their problem, but the matter must be viewed in perspective generally with the whole Budget, particularly with the whole area of education. Under the heading, "Education" in his Budget speech, the Commonwealth Treasurer states:

For example, although the proposed increases in spending on education are less than some would like, this is an area where, notwithstanding our overall budgetary constraints, we have provided for increases in real levels of expenditure and restored triennial programmes on a rolling basis. In short, education for this Government is a high priority area.

The Hon. J. E. Dunford: "Teach yourself"—that is your philosophy. It has always been Liberal philosophy. Only you white bloods will ever be taught. You do not want the kids to learn; you want them smoking pot and running around the streets.

The Hon. C. M. HILL: You have just accused honourable members on this side of the Chamber of wanting kids to smoke pot. It was a Government member who, less than 12 months ago, advocated an inquiry into the legalisation of marihuana.

The Hon. J. E. Dunford: What is wrong with an inquiry? There is nothing wrong with that. I am saying what you people have done and what you do; I am not talking about an inquiry. You should be ashamed of yourself.

The PRESIDENT: Order! Let us get back to the subject.

The Hon. J. E. Dunford: The students are running around the streets starving.

The Hon. C. M. HILL: The speech continues:

In all, Commonwealth expenditure on education in 1976-77 is estimated at $2 204 000 000, an increase of 15·3 per cent compared with 1975-76. Grants to universities, colleges of advanced education, technical colleges and Government and non-government schools by the respective education commissions account for $1 751 000 000, or nearly 80 per cent of the total allocation for 1976-77. In each case, the budgetary provision represents a significant increase in real terms. The Government has given to the education commissions, for planning guidance only, minimum expenditure levels for 1978 and 1979 which will involve further increases in real terms.

The Hon. J. E. Dunford: We are talking about people and students, not schools.

The Hon. C. M. HILL: I think they go to schools. The report continues:

As announced in my statement of May 20, this planning guidance is: for universities, colleges and schools, 2 per cent growth in real terms per annum; and for technical and further education institutions, 5 per cent growth in real terms per annum. The Budget also provides $2 000 000 for the Curriculum Development Centre and $1 100 000 for research by the Education Research and Development Committee.

From this point on comes the matter with which we are dealing—tertiary education assistance.

The Hon. J. E. Dunford: You do not know whether it is there or not.

The Hon. C. M. HILL: The speech continues:

In addition, the Commonwealth extends substantial assistance directly to students. This Budget includes a total of $155 000 000 in 1976-77 for a range of student assistance schemes, including the tertiary education assistance scheme and programmes of assistance for isolated children and Aboriginal children. The Government is aware that many of these allowances have not been increased for some time; meanwhile, inflation has been proceeding.

Large numbers of students are involved. It is not clear to us, however, that existing schemes are the most cost-effective, in terms of directing the substantial sums involved to the most needy and deserving students. We have therefore initiated an urgent investigation into the adequacy of existing rates of benefit and the possible rationalisation of the schemes. It will be recalled that full-time allowances under the national employment and training system were reviewed in February; payments in respect of in-plant and part-time training under that system are also now being similary reviewed. With respect to student assistance schemes, the Government's decisions will be announced in October and implemented from the beginning of the 1977 academic year.

The Hon. Anne Levy: Why do they have to wait so long?

The Hon. J. E. Dunford: Because the Government does not want to pay it.

The Hon. C. M. HILL: I imagine the reason (and this is another matter on which we could have got more detail, but the honourable member wishes to rush the motion through) is that the investigation into the whole range of subjects mentioned is to see whether the cost effectiveness of some of these schemes is good enough. The whole range of investigation will simply take time. It is as simple as that.

The Hon. ANNE LEVY: Would the honourable member give way?

The Hon. C. M. HILL: Yes.

The Hon. ANNE LEVY: From what you have quoted, it appears that a report is expected in October, yet no increase is expected before January. Why will it take from October to January to implement? Why cannot it be implemented as soon as the report appears?

The Hon. J. E. Dunford: He does not know.

The Hon. C. M. HILL: The short answer is that you cannot budget for outgoings unless you have some idea of what those outgoings will cost. At the beginning of the academic year would be the only time the Government could implement such a scheme.

The Hon. F. T. Blevins: It is difficult to justify; the honourable member has nothing to say.

The Hon. J. E. Dunford: The more he stands there, the more he is embarrassed.

The Hon. F. T. Blevins: Yes; he is embarrassed. He should have what he is reading incorporated in *Hansard*.

The Hon. C. M. HILL: I know it is upsetting to honourable members opposite but they should be patient. The report continues:

The investigation will also cover the question of the reintroduction of tertiary education fees for those classes of students mentioned in my statement of May 20. This does not of course involve reintroducing fees for Australian students undertaking their first degrees.

The Hon. Anne Levy: There is no more on education allowances.

The Hon. C. M. HILL: The matter of this scheme was also mentioned, and one can read this further on:

The Government has initiated an urgent review of all student assistance schemes.

If I may interpose here, I see no reason at all why the Commonwealth Government should be criticised for introducing that scheme. If, on coming into office in December of last year, the Government felt that this inquiry was necessary in the interests of the financial situation and of education generally in Australia, it was proper that the Government should implement such a scheme. The speech continues:

The review is to cover, *inter alia*, the objectives and nature of the various schemes, the current levels of benefit, the possibilities for rationalisation, and any alternative approaches that could be adopted. The Government's decisions on these matters will be announced in October and implemented from the beginning of the 1977 academic year.

The Hon. Anne Levy: That means not until March! That's even worse.

The Hon. C. M. HILL: The document continues:

Total outlays on education are presently estimated to increase by 15·3 per cent in 1976-77 to $2 204 000 000, equivalent to 9·1 per cent of estimated total Budget outlays.

I got the impression when listening to the Hon. Anne Levy and other members opposite that universities generally had been attacked. I remind those honourable members that, under the heading "universities" in the Budget papers—

The Hon. J. E. Dunford: We are not interested in universities at this stage: we are interested in student allowances now.

The Hon. C. M. HILL: We know that members opposite are not interested in universities, but we are. The actual expenditure on universities in 1975-1976 was $603 800 000. On the Budget estimate, the Commonwealth Government will spend $673 000 000 in this financial year, which is an increase of $69 200 000.

The Hon. Anne Levy: What has that to do with the allowance?

The Hon. C. M. HILL: It has much to do with it. The section of the Budget headed "Colleges of advanced education and teachers colleges" shows that the actual expenditure for 1975-76 was $434 800 000, while the estimated expenditure for the current year, 1976-77, is $506 500 000, a large increase, and that again is something that members opposite should congratulate the Government in Canberra about. Under the heading "technical education" there is an increase from $101 900 000 in actual expenditure last year to an estimated expenditure of $122 300 000 this year, an increase of $20 400 000, and that is to be commended. There is a general heading dealing with such matters as schools, pre-schools, and child care, and under that heading are listed non-government schools in the territories, non-government schools in the States, Government schools and pre-schools in the territories, Government schools in the States—

The Hon. C. J. SUMNER: I rise on a point of order, Mr. President. The Hon. Mr. Hill has picked up this Budget document and has proceeded to read from it verbatim. He is not debating the motion. He obviously is filibustering to enable honourable members beside him and behind him to prepare some new amendments. This is a complete abuse of the Parliament. The honourable member has made no contribution to the debate, but has simply read this Budget document. He has made no comment on the substantive motion and I consider that he ought to be called to order and asked to direct his remarks to the motion.

The PRESIDENT: I was considering some Standing Orders and procedural matters when the honourable member was speaking, so I did not hear what he was reading in the last minute or two. However, I point out that, as the question of the Budget is referred to in this motion, not all references to the Budget are out of order. Will the honourable member try to confine his quotations to the subject matter of the motion, namely, the TEAS scheme, and not stray too far from that?

The Hon. C. M. HILL: Thank you, Mr. President; I bow to your ruling. I will not continue with the increases I was pointing out under the general headings, which make up a total of estimated expenditure of $2 204 000 000 for this current year in expenditure, as against expenditure last year of $1 911 500 000.

The Hon. F. T. Blevins: Why don't you read again the part of the Budget about TEAS?

The Hon. C. M. HILL: In view of the fact that the honourable member apparently did not hear me, I am willing to oblige.

The Hon. C. J. SUMNER: I raise again the point of order that the honourable member has done nothing more than read the Budget papers during the whole of his speech.

The PRESIDENT: That is not a point of order. Honourable members are fully entitled to read from documents. If I remember correctly, the Hon. Mr. Sumner read extensively from documents yesterday.

The Hon. C. J. Sumner: Mine were relevant, though.

The PRESIDENT: I am not prepared to rule at this stage that the Budget provisions are not relevant to this motion. One of them is referred to.

The Hon. C. M. HILL: I am rather astounded by the interjections from members opposite, since they are now trying to prevent me from referring to the papers that I have.

The Hon. C. J. Sumner: No, that is not true.

The Hon. J. E. Dunford: We want you to talk about the poor students and how they are starving.

The Hon. C. J. Sumner: You have done nothing but start from the beginning and read the whole thing.

The Hon. C. M. HILL: The reading will be the basis of my talk. I defend my right to use copious notes and papers in the first instance. Also, as the basis of my speech, surely I should go back to what the Minister in Canberra has said, as that is what caused this motion to come before the Council. Yet when I find out what the Minister did say (and I did not pluck statements and figures from the air) by getting a copy of the Budget speech and papers and quoting them, for some reason unknown to me members opposite take objection. I have clearly substantiated the principal points that I wanted to make. They are that there will be, in October this year, a finding from a review committee, and that the Federal Government will use that finding as the basis for adjustments, doubtless in these allowances and in education generally.

I have made known that I have much sympathy with the underlying intent of the motion. However, I have no sympathy whatever if there is any insinuation or intent in the motion to obtain political capital or advantage from it. For this Parliament or any member of it, in bringing forward a motion, to use these unfortunate students to try to gain cheap political advantage stands condemned. I have not made the accusation directly against the Hon. Anne Levy, but the way this motion is worded indicates that it goes close to doing just that.

I think that the fairest way to assist these students and bring to the notice of the Government in Canberra that we are not happy about what the students are receiving as a result of the Budget is by wording the motion in reasonable and moderate terms. I know that that is difficult for members opposite to do, because reasonable and moderate terms are not their cup of tea. Nevertheless, I intend to support any amendment which ensures that the motion is couched in fair and reasonable language. I agree with the Hon. Mr. DeGaris, who has already spoken, and with my Leader in another place, who came out publicly and said that this was an unfortunate matter.

If the Hon. Anne Levy is genuinely concerned about the students and is not trying to gain any political advantage, I support her. However, so that we can be absolutely certain of our ground in this matter, surely all honourable members would agree that this motion should be amended so that it is couched in reasonable terms. Let us in that way bring to the notice of those in Canberra the problems that these people are facing.

Let us echo a fair and reasonable concern that those concerned have already voiced publicly, and by that means try to help them. If Canberra is told, by such a method, that further consideration is warranted, and that these people need more help than they are already receiving, I believe that that will be taken into account

in October, and that that resolution, parallel with the review committee's report which the Government will have and which it will be able to consider in October, will bring advantages to the students, who will then get their increased allowances. Then, members of the Council, irrespective of their political persuasion, will be pleased for the students.

The Hon. D. H. L. BANFIELD (Minister of Health) moved:

That this debate be now adjourned to enable Government business adjourned on motion to proceed.

The Council divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and A. M. Whyte.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, and D. H. Laidlaw.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. R. A. Geddes.

Majority of 2 for the Ayes.

Motion thus carried.

Later:

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

ADJOURNMENT

At 5.44 p.m. the Council adjourned until Tuesday, September 7, at 2.15 p.m.