LEGISLATIVE COUNCIL

Wednesday, October 20, 1976

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

QUESTIONS

MINDA HOME

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: I refer to the situation as reported in the press today concerning some allegations or claims by, I understand, some members of the staff at Minda Home against the board of management of Minda Association. Has the Minister anything further to add to that matter to alleviate the fears that the public are expressing about the possibility of the standard of service to those people cared for in the home deteriorating as a result of what happened? I have heard today that there is to be some form of inquiry into the whole matter. Can the Minister say whether or not that report is true, particularly as far as the service and attention to those people in the home are concerned and from the point of view of the parents of those people and of the general public? Can the Minister say whether he has taken any action so far to ensure that there will be no disruption of services at Minda Home, and can he give an assurance that there will be no reduction in the standard of service to those people being cared for at Minda Home?

The Hon. D. H. L. BANFIELD: Yesterday, I received a copy of a petition signed by some employees at Minda Home, in which they made certain allegations. True, this morning I contacted the President of Minda Home and informed her that I would seek consultation with her on the points raised by the staff. In the meantime, there is no reason, other than those reasons submitted by certain members of the staff there, why the service and attention to the inmates of the home should not be maintained. So far as the board is concerned, I understand that everything has been done in accordance with its constitution. Certain things developed by the carrying out of that constitution at the annual meeting and the fact of reduced numbers on the board (done in accordance with the constitution). The necessary notice was given that there was a proposed change to the constitution. So, everything has been carried out in accordance with the constitution of Minda Home.

Whether the best action has been taken is another matter; that is entirely a matter for the members who pay an annual subscription to become members of Minda Association, with the right to decide what the constitution shall be. I also am concerned about the inmates at Minda Home, and I assure honourable members that we shall do everything in our power to see that, notwithstanding the disputation between the board and the staff, wherever possible the inmates and the parents need have no concern in this matter. We shall be looking at this matter to see whether the dispute can be resolved amicably between the parties.

The Hon. C. M. HILL: Can the Minister be more specific? Has an inquiry been ordered into this matter or not?

The Hon. D. H. L. BANFIELD: It depends on what the honourable member means by an inquiry. I have already advised him that I will be inquiring into the matters that have been advanced as a result of the petition, but a public inquiry has not been established at this stage, and it will not be established until I find out whether there is any necessity for a public inquiry. I will not at present establish a public inquiry, but I am investigating the points that were raised in the petition presented to me yesterday and, following that investigation, I will see whether a public inquiry is necessary. On the face of it, it seems that I will not be recommending to the Government that an inquiry be held.

M.V. TROUBRIDGE

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

Leave granted.

The Hon. M. B. DAWKINS: The deficit on the operation of *m.v. Troubridge* for the last financial year has increased to $700 000 from $530 000. The *Troubridge* route between Kangaroo Island and Port Adelaide approximates the distance between Clare and Adelaide. However, reconstruction and maintenance of the road between Adelaide and Clare, although it might cost much more than $700 000 and although it might not be reconstructed every year (to the residents of Clare the highway is just as vital a link as is the *Troubridge* to Kangaroo Island residents), maintenance or reconstruction costs of the road are not highlighted each year as a deficit against that road. As the Minister is concerned about the eventual replacement of the *Troubridge* (and I thank him for the report on Kangaroo Island transport that he recently provided), does he agree that it is not sensible to highlight deficits on main roads and it is not sensible, either, to highlight the deficit in relation to the *Troubridge;* or has this publicity arisen (I hope it has not) as a result of Government policy?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

KANGAROO ISLAND SETTLERS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Minister of Lands.

Leave granted.

The Hon. A. M. WHYTE: The Minister is well aware of my association with Kangaroo Island settlers who are currently facing financial difficulties and who, as a result of their difficulties, were interviewed by the Land Settlement Committee in an attempt to find means of assisting them. During the period of the investigation those who have been concerned about this matter have maintained silence and have taken no action, awaiting the committee's report. However, I am concerned that last week an officer of the Premier's Department spent some time carrying out an investigation similar to that undertaken by the committee on Kangaroo Island. Is the Minister aware that this officer has conducted a survey? What is the purpose of that investigation?

The Hon. T. M. CASEY: It has come to my notice that an officer of the Premier's Department did carry out some discussions with Kangaroo Island settlers on Kangaroo Island, and with other people. The purpose of the visit

I have not been informed about, but I intend to find out what the purpose was, and I will inform the honourable member.

POWER STATIONS

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Mines and Energy.

Leave granted.

The Hon. R. A. GEDDES: In a reply to a question that I received yesterday on energy requirements for the Electricity Trust of South Australia, the Minister said that the new sources of energy for the trust could come from coal from the Lake Phillipson coalfield or the Balaklava coalfield. Will the Electricity Trust power stations already established be able to burn coal from these fields, or will a new power station have to be built to meet the requirements of coal from these fields which, I understand, is of a lower calorific value? Further, who will be providing the capital for developing these fields—the Government, through the Mines Department, or the Electricity Trust?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to my colleague and bring down a reply as soon as possible.

GOVERNOR'S SECRETARY

The Hon. J. A. CARNIE: Is it a fact that Mr. John White, who will become Secretary to the new Governor, will be attached to the Premier's Department, not to the State Governor's Establishment, as is the case with the present Governor's Secretary?

The Hon. D. H. L. BANFIELD: This could be so. Of course, Mr. Henderson, the present Governor's Secretary, had the opportunity of becoming a public servant and becoming attached to the Premier's Department, but he saw fit not to do so. I assume that Mr. John White, who is a public servant, will be attached to the Premier's Department, although he will be acting as Secretary to the new Governor; that is an assumption, and I will refer the matter to the Premier in order to confirm that.

INDUSTRIAL CODE AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 13. Page 1473.)

The Hon. C. J. SUMNER: This Bill, introduced by the Hon. Mr. Carnie, raises once again the vexed and complicated question of the hours during which retail shops should be permitted to remain open.

The Hon. M. B. Cameron: It is not complicated in some other States.

The Hon. C. J. SUMNER: This matter has been with us in one form or another for some years now and, of course, it has generated much public interest, discussion and controversy. I say that it is a complicated matter, although I think the Hon. Mr. Carnie tried to present it in more simplistic terms. When considering this Bill and the general question of shopping hours, there are clearly many interests that have to be considered; this Bill, of course, is only to allow shops to remain open during the limited period of December. The interests, of course, are the consumers, the traders, and the workers in the industry.

Another factor that needs to be considered is the general state of the economy. Therefore, the matter is a complicated one and, in deciding where we stand on this legislation, we must weigh up the varying contending interests to see how we can arrive at a satisfactory result. I think it can certainly be argued that there have been many changes in society over the years that may influence people towards a relaxation of the present restriction on shopping hours.

One can certainly point to a changed pattern of employment, particularly in relation to the increase in female employment, and because more husbands and wives are working. This makes shopping in normal hours much more difficult than it has traditionally been, when the woman has been expected to take the role of looking after the house, when she has had time during the day to shop.

It could be argued that an extension of shopping hours would be advantageous in that it would provide women with a greater economic freedom, in that they would have an opportunity to take additional employment and still have time to perform many of the shopping chores they have traditionally performed. It is also true that the nature of our society has changed. There are many migrants in our community, from the United Kingdom and the non-English-speaking countries, who have definitely been accustomed to different traditions.

The Hon. M. B. Cameron: Are you speaking in favour of the Bill?

The Hon. C. J. SUMNER: I have not indicated to the Council how I will vote on the Bill, although in due course I will explain my position on the matter. Of course, the situation overseas varies. I have had some experience in the United Kingdom. In the areas in which I stayed, one could shop for six days of the week, up until 5 p.m. or 5.30 p.m. on Saturdays. However, the shops were closed for one afternoon during the week. The situation in Italy, of which I have also had some experience, is—

The Hon. M. B. Cameron: We're on a world tour.

The Hon. C. J. SUMNER: That is right.

The Hon. M. B. Cameron: Let's know when you get back home.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: In Italy, the shops are open for six days a week. They are open from 8.30 a.m. until 1 p.m., and generally from 4 p.m. until 7 p.m. or 7.30 p.m. So, in Italy shopping can be done in a more leisurely fashion during the evenings. In fact, it is a traditional custom in Italy for the people to come to the centre of the city in the evening to shop and to enjoy the "passeggiata", which is a general stroll up and down the main street, and to eat and drink in reasonably convivial circumstances. This creates a commercial centre that is lively and vibrant, and many migrants from Italy have become accustomed to this situation.

One could mention other factors. I suppose I should mention my own particular position as a single person. I have not got the time to do my shopping during the week because of my duties concerning Parliament, and I sometimes find it difficult to get up on Saturday mornings, so my position is also somewhat difficult as regards my—

The Hon. M. B. Cameron: What do you do on Friday night?

The Hon. C. J. SUMNER: Weekend shopping. I think it can also be said that late night shopping would be of assistance to the tourist industry. The establishment of a lively commercial centre in the evenings in the city I think would add another dimension to our life style. Of course, we now have the Rundle Mall where that type of atmosphere could well be created. It would not only apply to the Rundle Mall but also in many of the other shopping centres, particularly the new ones that are being built where there is an emphasis on providing a human content to these areas to create a mall and in effect enable people to walk and do their shopping on foot and perhaps enjoy something to eat and drink on the way. It does add to the general life style of our cities and suburbs, but that of course is not the end of the matter, and there are many other factors to be taken into account.

It has been said that there is a consumer demand for late night shopping. The Hon. Mr. Carnie mentioned a survey carried out by Peter Gardner and Associates last September, and I suppose some credence ought to be given to the results of that survey. The Hon. Mr. Carnie quite rightly pointed out that the questions asked in the survey did not contain any conditions. It did not say whether the consumers would like Friday night shopping if the costs were increased or, alternatively, whether it was in lieu of Saturday morning shopping. The results of the survey must be treated with some caution because it is unlikely that there would be no increase in prices if late night shopping were introduced.

We have, of course, the results of the 1970 referendum, which must also be mentioned, when the public voted against any extension. It may be argued that attitudes have changed since that time, but the last time the matter was taken to the people there was opposition to an extension. When discussing public demand it is also important to note that there is a procedure in the Act at the moment (section 227) whereby local councils and municipalities can take a poll of ratepayers to find out whether they require late night shopping within their particular area, and although this facility has been available for about five years very little use has been made of it. One would have thought that, if the consumer demand was as great as the Hon. Mr. Carnie made it out to be, some action would be taken through the local government bodies in pursuance of that section.

That is not the situation. In fact, I think Robe had a poll and abolished their shopping district, but Port Lincoln voted to retain it. Among the public there is no uniform response to the extension of shopping hours if those two examples are to be given any weight. So I can only repeat that, if there was the sort of agreement that the Hon. Mr. Carnie suggested there was, something would have been done and there would have been more public agitation, through this method that already exists by way of petition to the Minister.

As I have said, the matter is not merely considering public demand and consumer interests. It is true, of course, that industry generally is against an extension. On this occasion, both the employer groups and the unions are opposed to any extension. Again, I would not say that their mere opposition to it was the end of the matter.

The Hon. M. B. Cameron: It is, as far as you are concerned.

The Hon. C. J. SUMNER: That is not true.

The Hon. M. B. Cameron: It is.

The Hon. C. J. SUMNER: The objections of the industry obviously must be weighed against consumer demands and the public interest in arriving at a decision on the matter. To say that it is the end of the matter because the industry objects to it is absolute nonsense as far as the Government and I are concerned, and I reject the suggestion made by the Hon. Mr. Cameron to that effect.

It is quite clear that the objections of the employees in the industry are an important consideration to members on this side of the Council, who will not stand by and see any reduction in the conditions of the workers in the industry. It can be argued by the employees that the banks and the post offices have had a reduction in their working hours, and that that should apply to shop assistants; or, at least, there should be no increase, because in some other areas there has been a reduction in hours of work. Nevertheless, there are certain service industries that continue to work odd hours under various penalty arrangements and shift conditions that adequately compensate the workers for the disability they suffer in working those odd hours, outside the normal span of eight hours a day.

The Hon. M. B. Cameron: Does nobody else work odd hours?

The Hon. C. J. SUMNER: I have just said they do. If the honourable member cared to listen to what I am saying, he would appreciate that. It is quite clear he was not listening, because the point I was making is the one he interjected on.

The Hon. M. B. Cameron: I am having trouble in following your points.

The Hon. C. J. SUMNER: It is clear that many people do work odd hours—bakers, electricity employees, hotel employees, and many people in the manufacturing industry—but it is most important that, in considering any extension, we ensure there is no reduction in the standards of people working in the industry. There are many suggestions of how, should there be an extension, they could be compensated—for instance, by overtime payments and penalty rates and, in some cases, by the employees working under a roster system giving them long weekends at suitable intervals. But, clearly, the protection of the workers' rights in this matter must be of paramount importance. It is also true that it will probably mean an increase in the number of casual employees in the industry, which would also have an effect on the permanent employees and might mean a reduction in their number. So, that is an additional complication to be taken into account.

It is also legitimate to consider the present general economic situation. Honourable members opposite insist on talking about the high rate of inflation. They say it was caused by Mr. Whitlam's Labor Government—quite incorrectly, of course; but they insist on talking about it, and yet the Hon. Mr. Carnie, at this time when inflation is showing no signs of abating after 10 months of the Fraser Government, introduces this legislation, which will have an inflationary effect.

The Hon. M. B. Cameron: That is nonsense.

The Hon. C. J. SUMNER: He quoted figures from Melbourne and Sydney, comparing the consumer price index increase in those cities with the increase in Adelaide. He said that, in clothing and household supplies and other groups, the rate of increase in Melbourne was lower than that in Adelaide, but I do not really think that, for this purpose, those figures are valid. It obviously depends on what sort of base we are working from—what is the actual rate in each city and on what the percentage increase is

calculated. We would also need to look at what increase occurred when late night shopping was introduced in those other cities. There is no doubt that an increase in penalty rates to the employees, as there would have to be with the extension of hours, would be inflationary. The Retail Traders Association has calculated that the general public would have to bear the following increases in costs: in merchandising costs, 11·9 per cent; in administrative costs, 5·8 per cent; and in overhead operating costs, 2·9 per cent.

It stands to reason that, should there be an increase in costs to the employers, unless they can absorb those costs, they will be passed on, in one form or another, to the public. I suppose we can argue that, if the consumer is prepared to pay that added price, it is justifiable; but there is no evidence that the consumer is prepared to do that, and of course that question was not included in the public opinion poll carried out by Gardner and Associates, to whom I have referred. There are also some side issues that need to be looked at in considering any extension of hours—whether the public transport pattern would be affected to any great extent, and also whether small shopkeepers would be prejudiced by the fact that, as more and more people would shop at the big stores during the extended hours, although there would be no overall increase in turnover, the losers in that situation would be the small shopkeepers, many of whom might be forced out of business because of the increased competition.

I mention all these matters to indicate that this problem is not something that can be resolved simply; there are varying and conflicting interests and points of view that must be taken into account. However, in any event, I have a particular objection to this Bill being presented by the Hon. Mr. Carnie at this time as an opportunity to gauge public demand for late night shopping. Unfortunately, doing it just before Christmas is not very satisfactory because, as everyone knows, the Christmas shopping period is not typical of the rest of the year. Christmas is a special time when much shopping is done, and the result of any extension along the lines suggested by the Hon. Mr. Carnie would not have any validity in respect of the remainder of the year. Christmas is a special time, and I do not believe we can get a true indication of the position from that period.

Further, it is unlikely that satisfactory negotiations concerning conditions and payment under awards to protect employees could be effected before the legislation came into force. As all honourable members know, the question of conditions for shop assistants is a matter of some complexity that has previously been dealt with by this Council, and it is not easy to resolve. From a practical viewpoint, it would be difficult, if not impossible, to achieve such changes before this measure came into force.

Generally, the Hon. Mr. Carnie has presented his Bill in a far too simplistic manner. Clearly, the whole area of shopping hours is complex, involving many interests that must be considered by the Government and Parliament. In any event, I do not believe that this measure would provide an appropriate trial. Although I believe that at some stage the question of shopping hours should be considered in the light of the various problems and interests I have mentioned, I cannot support the Bill at this time.

The Hon. M. B. CAMERON: We have just heard a speech that reminds me of the description of another honourable member who some time ago used to be called "But on the other hand". We heard a dissertation from the Hon. Mr. Sumner of the advantages of Friday night shopping and the reasons why its introduction would be a good idea. However, at the end of that explanation he attempted to introduce what he said were complex issues that would preclude this matter being brought forward.

All I can say about those issues is that, if they are the only complex issues involved on which he can base his lack of support for the Bill, he has not been strong in his opposition to it. Underneath all that has been said, the honourable member supports Friday night shopping. Certainly, at the bottom of his heart he knows it is right and proper that the community should decide shopping hours based on demand.

The Hon. C. J. Sumner: It can do that now.

The Hon. M. B. CAMERON: It cannot. As the honourable member himself said, he had a problem because he could not get up on Saturday mornings. The honourable member may prefer to shop on Friday night, or he may have other activities in mind, but what about the working wife who does not have the opportunity to shop in normal shopping hours? If the Hon. Mr. Sumner has a problem getting up on Saturday morning (he does not even have children to look after), what is the position of a working wife, who must work all the week and then at the end of the week must get up early on Saturday morning to do her week's shopping? Unlike the honourable member, she has family responsibilities and has to get up to do her shopping. With Friday night shopping, a working wife could get her husband to look after the children and she could shop at her leisure.

The Hon. J. C. Burdett: The Hon. Anne Levy would support that point.

The Hon. M. B. CAMERON: I shall be most surprised if she does not, because she has strong views on women being catered for in the community. I am certain that the average housewife and working wife would support wholeheartedly any move to reintroduce Friday night shopping, because it would at least give them the opportunity of doing their own shopping in peace and quiet, without having to bring along their family.

True, on Saturday morning a wife might be able to persuade her husband to stay at home with the family, but it would probably be easier to persuade him to stay home on Friday evening when he can watch television. That is the first point. We should support this measure for the sake of the housewife. I hope that the Hon. Anne Levy will support me in this matter in order to give the women of this State this opportunity.

The Hon. M. B. Dawkins: Would she be allowed to do that?

The Hon. M. B. CAMERON: That is one problem, and another problem is Mr. Goldsworthy.

The Hon. N. K. Foster: Which Goldsworthy?

The Hon. M. B. CAMERON: He is not on the same side politically. The last half of the Hon. Mr. Sumner's speech had a familiar ring to it, because it sounded much like a submission I received from Mr. Goldsworthy, who is somehow associated with shop assistants.

The Hon. C. M. Hill: There is the problem of Caucus, too.

The Hon. M. B. CAMERON: True, the problem extends to Caucus and also to preselection. In fact, the Hon. Mr. Sumner has problems there, because he is a long way down the list, and there are doubts about whether he should be here at all, but that is another matter. The honourable member said that the measure would come into force at the wrong time of year, that it was a time of maximum demand. If that situation presents a problem to the Hon. Mr. Sumner, I assure him that

it is easily solved. If he wishes I will move an amendment to extend the provision to apply one month after Christmas, in order to obtain an average.

We have had drummed at us the fact that Adelaide is the "Athens of the South", that we are the leading city in Australia and we have all these advantages, but we do not have Friday night shopping, which even other capital cities have. There is something wrong with us. We have a mall that in another month's time will go to bed well before the pigeons, because no-one will have the right to trade in it. People wandering up and down the mall will be able to buy only a milkshake.

Why not provide people with the opportunity on at least one night a week to make purchases and enjoy the mall? Arguments advanced in opposition to this view are similar to those we heard about 6 o'clock closing. We heard of the rush and the necessity to get to a hotel before 5 o'clock, but it is time that South Australia grew up in this area and allowed people their right to shop during hours determined by demand. It will probably turn out to be one night a week. That was the case before night shopping was extracted from the fringe areas of the community by this Government. Instead of extracting it from those people and prohibiting night shopping, the facilities should have been extended to cover the whole metropolitan area. Although a poll was undertaken by the Government at that time, it was really a matter of the best public relations campaign winning the day. The campaign was well organised indeed, and I give credit to the people who ran the publicity campaign in relation to that referendum, because they are the ones who won it. The subject matter became almost irrelevant; it was a matter of who created the greatest fear to stop people voting to extend shopping hours. There should not be any fear about increasing prices, because I do not believe there would be much difference in prices.

All other arguments advanced were totally irrelevant to the subject. In the arguments advanced about extended hotel trading hours, not one word was said about the possibility of increased liquor prices. The argument that hotel trading hours should be extended was good enough, and whether the liquor cost more was irrelevant but, in relation to the extension of shopping hours, it is a terrible problem! We are supposed to have industrial and other problems. It is just a load of nonsense, and I ask the Government to support the matter for at least a month to give people the opportunity to try it. If they show that they will use it and that they want it, let us go on from there. It would be wrong and backward for the Government to refuse this opportunity. I would condemn the Government strongly if it did not give the people the opportunity to enjoy the privilege for one month, particularly in the year in which we have opened Rundle Mall. Let the mall have some life, especially at a time when daylight saving will apply.

The Hon. F. T. BLEVINS moved:

That this debate be now adjourned.

THE PRESIDENT: The question is that this debate be now adjourned and that the adjourned debate be made an Order of the Day for—

The Hon. J. A. CARNIE: On motion.

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

That the debate be made an Order of the Day for the next day of sitting.

My reason for moving the amendment (that is, that it be the next sitting day, and not on motion) is that this Bill was introduced only last week. We gave every opportunity for the second reading. We supported the suspension of Standing Orders to enable the second reading explanation to be given so that the Bill could proceed as far as possible. However, certain representations are being made to the Government and we want time to consider them.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am speaking to the amendment, Mr. President. I ask the Chief Secretary to reconsider the matter. The reason is that today is private members' day. I appreciate very much the Chief Secretary's courtesy in allowing private members' business to come on on days other than private members' days.

The PRESIDENT: I point out to the Hon. Mr. DeGaris that today is the day on which private members' business has priority; that is all that Standing Orders provide.

The Hon. R. C. DeGARIS: I realise that, but there has been no objection to private members' business coming on on Tuesdays and Thursdays, and I am grateful that the Chief Secretary has taken that view. The Hon. Mr. Carnie has sought only to adjourn the debate on motion, and I think that, if the Chief Secretary accepts that, he will get his way and the debate will be adjourned until tomorrow, anyway. I think that, if he accepts that, it will be all right.

The Hon. M. B. CAMERON: I should like to speak to the amendment. If this debate is adjourned until another day, there will not be opportunity for the provisions of the Bill to come into force before Christmas, so I trust that this is not a move to ensure that the matter goes no further, and I trust that it is not a move to stop the Bill. If that is intended, the next action will have to be to make the Bill cover a different period, because the Bill is not going to be stopped just by a move to prevent it from getting to another House.

The Hon. D. H. L. Banfield: Don't you want us to hear representations from people outside?

The Hon. M. B. Cameron: Come on! It is just a trick.

The Hon. J. A. CARNIE: I sought to have this debate adjourned on motion, knowing that Wednesday was the time when private members' business had priority, and knowing that the Government has been extremely lenient in allowing private members' time. I did this simply on the basis that there could be an opportunity at the end of other business today to bring this matter back. I would like it to go through today, if possible. I realise that other business has priority over it, but I should like it to remain on motion in case the Council has the opportunity later to bring it back.

The Hon. D. H. L. Banfield: We have representations being made and, if they have not been made by the time the debate comes back on, I will be again opposing the honourable member's motion. Members opposite exercise this right. We give it to them time and time again, and we want the same courtesy as we give to them, as a privilege.

The Hon. J. A. CARNIE: I appreciate what the Chief Secretary has said, but there has been a week in which to consider representations. I should like the debate to remain on motion and I am sure that, if the Chief Secretary insists that he is waiting on representations when I want to have the debate resumed, I would have no objection to his request, but at this stage I should like the debate to remain on motion.

The PRESIDENT: I gathered from what the Chief Secretary said that he might withdraw the amendment.

The Hon. D. H. L. BANFIELD: No, I am not going to withdraw it. We will vote on it.

Amendment carried; motion as amended carried.

PRICES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This measure effects the annual renewal of the price fixing powers of the Commissioner who is responsible for the administration of the principal Act. It also makes a change in the title of the Commissioner from the South Australian Commissioner of Prices and Consumer Affairs to the Commissioner for Consumer Affairs, since it is thought that this title more accurately reflects the functions of the Commissioner. In addition, the Bill proposes two disparate amendments which will be touched upon in the explanation of the clauses.

Clause 1 is formal. Clause 2 makes three amendments of consequence:

(*a*) it somewhat reduces the meaning of the term "consumer" by excluding from its provisions a person who buys any goods or uses any service "for the purposes of or in the course of trading or carrying on business". It is felt that this class of transaction is not one in which the protective role of the Commissioner should be exercised;

(*b*) it recasts the definition of "service" in the interests of clarity;

(*c*) it effects the change of title of the Commissioner adverted to above.

Clause 3 is consequential on the amendment referred to in paragraph (*c*) of the explanation of clause 2. Clause 4 increases the monetary limit on transactions in relation to which the Commissioner may intervene from $2 500 to $5 000. The original figure was set in 1970 and in the light of present-day values seems rather too low. For instance, it no longer covers the price of a reasonable secondhand car.

Clause 5 amends section 22a of the principal Act and is commended to honourable members' particular attention. It is intended to ensure that where minimum prices have been fixed for grapes there will be no undue delay in paying the grower the price so fixed. It empowers the Commissioner to incorporate certain implied conditions in the contract between the vendor and purchaser of these grapes.

Clause 7 is intended to resolve an obscurity in the penalty provisions in section 22b of the principal Act. In the relevant subsections of that section a minimum penalty has been provided but no maximum has been fixed. This clause rectifies the position by fixing penalties in the range $500 to $2 000, which is consistent with other penalties provided for in the principal Act. Clause 6 merely extends the price fixing power of the Commissioner for a further 12 months until December 30, 1977.

The Hon. R. A. GEDDES secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1585.)

The Hon. J. C. BURDETT: I am pleased to support the second reading of this Bill because it abolishes land tax in respect of land used for primary production, as determined in accordance with the Act as amended by this Bill. It is with the method of determining what is land used for primary production or, rather, what has ceased to be land used for primary production that I join issue. In my speech on the Appropriation Bill, I said that the Government had recently copied much Liberal Party policy. This is pleasing, because imitation is the most sincere form of flattery. However, I think the Government could have followed Liberal Party policy a little more closely and been more generous in fixing the general scale of land tax. I do not want to appear to look a gift horse in the mouth but, in view of this Bill, I am particularly concerned about the far-reaching effect of a revocation by the Commissioner under section 12c of the principal Act as amended by this Bill, as follows:

> If the Commissioner is satisfied that any declared rural land or any part thereof has ceased to be land used for primary production, the Commissioner may, by notice given by post to the taxpayer, revoke the declaration in respect thereof.

The revocation of a section 12c declaration can in some circumstances be a very serious matter indeed, having regard to the provisions for recovery of differential tax in particular. It is at least arguable that, under subsection (4), land does not have to cease to be used for primary production: all that has to happen is that the Commissioner has to be satisfied that it has ceased to be so used. It seems to me that, if the Commissioner applies the wrong criteria in being so satisfied and if he gives no reasons for his decision, the taxpayer is powerless to do anything about the matter. In order to put it beyond doubt, during the Committee stage I intend to move an amendment. It simply depends on whether or not the Commissioner is satisfied; or, at least, that position is arguable. It may be that the land is in an area where subdivision is going on; under some future Administration (not the present one) the Land Commission or some other Government instrumentality or semi-government instrumentality may decide to acquire it. The matter could be brought to the notice of the Commissioner, who might decide to revoke the section 12c declaration; if he did that, in many instances the owner would have to sell disadvantageously the land that the instrumentality intended to acquire.

The procedure that I suggest in the amendment that I intend to move is to provide an appeal from the revocation of a section 12c certificate. I propose the simple procedure used in the Succession Duties Act and the Stamp Duties Act: a dissatisfied landowner may approach the Treasurer, who will determine the objection. Actually, an officer of the Crown Law Department considers the matter and advises the Treasurer, who so determines it. If the landowner is still dissatisfied, he should be able to appeal to the Land and Valuation Division of the Supreme Court. It is generally acknowledged that, where decisions may seriously and adversely affect the taxpayer, he should have the right of appeal. He has such a right in the matter of the valuation of his land but, especially in view of this Bill, the matter of whether or not the land in question is considered to be land used for primary production is of paramount importance—much more so than the actual value of the land. It is therefore most important that the taxpayer should have the right of appeal.

There may be some doubt at present as to whether the taxpayer has any right of appeal: it could be argued that a declaration could be sought from the court that the Commissioner had not acted on reasonable grounds, but I suggest that the matter should be put beyond doubt by the simple amendment that I have foreshadowed. It will then be clear that the taxpayer has a direct appeal. It cannot hurt to put the matter beyond doubt. Perhaps the taxpayer may not wish to go to the trouble and expense and, of course, he does not have to do so: it is only a right of appeal. Subject to this point, I support the second reading of the Bill.

The Hon. M. B. DAWKINS: I support this Bill with pleasure. I am pleased that the Government has introduced it. Praise should be given where praise is due, and I commend the Government for introducing the Bill and, as the Hon. Mr. Burdett said, for adopting Liberal Party policy. I know that it could be said that this could have been done sooner, and probably it should have been done sooner. It could also be said that the Bill could have gone further. It is all very well to say this; we will always be looking for improvements in legislation, but the fact remains that this is, by and large, a good Bill which should be supported. The Hon. Mr. Cameron suggested that the measure should have been introduced sooner because of problems in the Hills area but, being fair, I believe that this side of the Council is not in a position to criticise on that score, because this move should have been made six or seven years ago when we were in office, but it was not made then. I have spoken on this matter several times, and I have constantly sought improvements in the land tax legislation.

I am pleased to see that clause 4 adds a further exemption to section 10 of the principal Act, which lists the exemptions from land tax; that further exemption relates to land used for primary production. I believe that that is the most important clause in the Bill, and this is doubtless the most effective way of achieving the aim. Clause 5 repeals section 11b, which was a new section enacted only 18 months ago, in February, 1975. This provision, with new section 11a, replaced the former section 11, which was at the same time repealed. Section 11a provided for the equalisation factor which, as I said at the time, was a provision of doubtful value to anyone—except the Government. That Bill provided immediate relief for many people who were at the time hard pressed by what turned out to be the exorbitant demands of the legislation as it then stood, having regard to the escalation of values. The 1975 Bill, with its shortcomings, had to be accepted. The equalisation provision, section 11a, fairly quickly took care of any temporary alleviation that was achieved. I and other honourable members were castigated at the time for not giving that Bill our unqualified support. As I said, those who criticised us were primary industry people who should, I suggest with respect, have been able to see a little further than they did. The equalisation clause turned out to be, as we then foreshadowed, a fairly satisfactory provision for the Government, but not for anyone else. Section 11b, which is repealed by clause 5, provided for a statutory exemption in respect of land used for primary production. At that time, in 1975, I said:

> Whilst it is in some respects a considerable improvement, I am not prepared to criticise it unduly for that reason. I believe that it should be withdrawn and replaced by an amendment exempting primary producing land.

At that time, I had an amendment on file providing for this. The then Chief Secretary (Hon. Frank Kneebone), who was a good friend to all honourable members, said that the Government was not willing to accept the amendment. As the Bill was needed to give immediate relief to certain people who were in dire straits as a result of escalating values, I did not proceed with that amendment, which would have repealed section 11b and provided for the exemption of primary producing land. I accept that the way in which the Government is doing it at present is a tidier method of achieving the same result.

I also said in the same year that clause 6 of the Bill then before the Council provided an improved scale of taxation rates that could be regarded as being very generous if one did not realise that, because of inflated values, the Government was still likely to collect a considerable increase in revenue from this tax. It was, however, a considerable improvement from the taxpayers' point of view.

I refer now to clause 6 of this Bill, about which I could say the same thing. The Hon. Mr. DeGaris described the situation fully yesterday when he said that section 12 of the Act, which is being amended by this clause, is a further improvement on the previous rates that applied. The situation now is that the top scale, as it were, for land values exceeding $150 000 is $1 750 plus 27c for each $10 or part thereof over that sum. In the previous legislation, the top figure was $3 460 on a property valued at $200 000, plus 38c for each $10 or part thereof over that sum. This is an improvement, and I must commend the Government for making that adjustment.

As I said earlier regarding clause 6 of the previous Bill, the Government will probably not suffer to any extent. Indeed, it may even gain as a result of escalating values. It will certainly gain considerable revenue from this tax and from section 12k as it will be amended.

The Hon. N. K. Foster: Look, you know—

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: I do not know what the Hon. Mr. Foster is going on about.

The Hon. N. K. Foster: Wait, and you'll find out.

The Hon. M. B. DAWKINS: I have been commending the Bill from the outset, and I have also tried to analyse it. If the honourable member listens, he may understand what I am saying. I refer now to clause 7, which the Chief Secretary explained in his second reading explanation and which I do not intend to read again. I am not pleased with this clause. I took note of what the Hon. Mr. DeGaris said about it yesterday, and I have also listened to the Hon. John Burdett discussing it this afternoon. Suffice to say that I agree with what the honourable gentlemen have said.

I am interested in the amendment to which the Hon. John Burdett has referred, and to which I will certainly give due attention in Committee. The foreshadowed amendment will solve the problem. Clause 8 is intended to overcome the problem created by what one might call "computerisation". All honourable members would agree that computers are wonderful inventions. However, they are only as foolproof as those who programme them, and honourable members are reminded that computers make mistakes because human beings make mistakes.

I may, in Committee, discuss the matter, particularly clause 7, which is not satisfactory at present. However, once again I express pleasure at the introduction of this Bill and the adoption by the Government of Liberal Party policy. I support the second reading.

The Hon. A. M. WHYTE: I, too, support the Bill. This legislation is accepted with much pleasure throughout the State. The situation has become so ridiculous that it cannot be tolerated any further. Indeed, people were being forced to leave their properties merely because of iniquitous land tax. Although the Government has said many times that the former Liberal Government had an opportunity to do something about this matter when it was in office, I point out that at no time was land tax anywhere near the excessive amount then that it has reached recently.

The Hon. D. H. L. Banfield: But the principle was the same.

The Hon. A. M. WHYTE: It was not. No principle whatsoever has been applied in relation to the anomalous land tax rates that have been imposed. It even reached the stage where the Premier himself became alarmed because people were being forced from their rural holdings. It is being accepted with gratitude that that situation no longer obtains. Also, as outlined by the Hon. Mr. Dawkins, the rate of land tax has been reduced. Although this will mean a loss of some revenue to the State, I believe the loss will be compensated by the extra productivity that this Bill will create.

The Hon. Mr. Burdett's amendments are necessary. I would have appreciated it if the Minister had indicated in his second reading explantion that this taxation would not be reintroduced. It is feared that this may be a temporary measure only and that it could be reintroduced at any time.

The Hon. D. H. L. Banfield: It would have to come into the House to be reintroduced.

The Hon. A. M. WHYTE: I should hope so.

The Hon. D. H. L. Banfield: So, if that were to be the position, it would have to come before Parliament, which would have an opportunity to debate it.

The Hon. A. M. WHYTE: The Government would not hesitate to reintroduce it. Such an undertaking would not have been out of place.

The Hon. D. H. L. Banfield: We don't know what the Liberals will want to do in the dim future.

The Hon. A. M. WHYTE: Although that may be so, the Minister, during the whole of his administration, has made no studies of what the Liberals might do.

The Hon. D. H. L. Banfield: We never know what they're going to do. Even if they say certain things at election time, they do not follow them through.

The Hon. A. M. WHYTE: The Minister would be well advised to liaise more closely with the Liberal Party. I support the Bill, and congratulate the Government on introducing it.

The Hon. N. K. FOSTER: I rise briefly in this debate because of the fact that some of the previous speakers opposite have more or less congratulated the Government, but at the same time have been somewhat critical of the "delay" by the Government in acting on this particular matter. It seems to me that they are now in a position where it is hoped they will remain. One can say that honourable members opposite have learnt something in Opposition, and that they ought to have acted in some of these matters themselves. The fact is that during the land boom of the 1950's when the Liberal Party was in power (and it was a real land boom) the honourable gentlemen opposite who were here in those days carted their prize stud rams around in the back of their Rolls Royces. That land boom was far greater than the boom of the late 1960's. They would not put the rams in the boot; they put them in the back seat or alongside them. They were rolling with money as a result of the boom in wool prices. That is the first point I make. Members opposite forget the fact that during those long, dreary years they were in Government absolutely nothing was done about the matter on which they now complain that the Government has been slow in doing something. Quite often this afternoon the argument has been put forward that the Government, and only the Government of the day, can be held responsible for the ever-rising land prices, particularly in the fringe area or near urban area.

I put it to this Chamber that because of the Hon. Mr. Hill's private pursuits he has had much to do with the increase in the cost of land, because he sits at the table in the board room of the land sharks and determines the amount that they will jack the price up in the next 12 months or two years. Members on this side of the House, and on the Government side in the House of Assembly, have been battling for a number of years to ensure that there was adequate control on land prices, and basically to allow those who want to purchase land through urban development to have access to that land at a fair and reasonable price, and not to be ripped off by the land sharks and land institutes of this country. One has only to go to the area south of the city to see the rip-offs.

Can anyone opposite say where there is one piece of Government legislation that has had for its purpose the fact that the present-day land prices will continue to rise by anything up to 100 per cent in one year? One saw only yesterday that the little block that Parliament House sits on is worth about $2 500 000. Someone is doing an exercise on land prices. I am told that the Hon. Mr. Hill has an option on the West Terrace Cemetery! It is shocking, Mr. President, that that should be—

The Hon. M. B. Cameron: You are going to sell off Government House.

The Hon. N. K. FOSTER: It cannot be sold. It belongs to the people. The point I am making is that in the southern area one can see land agents are responsible for this state of affairs, and unfortunately there are too many weak country councils within some of the areas within 150 miles of Adelaide that think a development sign is a magic word, when quite often they should regard it as a disaster. I am horrified if one takes the Old Coach Road, south of Willunga—

The Hon. A. M. Whyte: I am terrified if you are horrified.

The Hon. N. K. FOSTER: If the honourable member would let me finish—

The Hon. C. M. Hill: Are you going to blame the Land Commission?

The Hon. N. K. FOSTER: I thank the honourable member for his interjection.

The Hon. M. B. Cameron: They have bought all the land.

The Hon. C. M. Hill: Yes, they have.

The Hon. N. K. FOSTER: They have not bought all the land. If one takes the Old Coach Road on the other side of Willunga, and I never mentioned the Salisbury or Tea Tree Gully area where the Land Commission has purchased land. The Hon. Mr. Hill forgets that in about 1962 there was mushrooming of estate companies overnight. Names that are not now on the Stock Exchange had contracts on land in the near rural or urban areas, and those areas were only as far away as Holden Hill and Athelstone, Tea Tree Gully, Modbury, Elizabeth, and Salisbury. I can recall that just after the war if one wanted to buy a block of land one only needed to go as far as Hectorville. One did not have to go to the country. One only has to drive south of the city to the

township of Willunga and cast one's eye over all the land in the Inman Valley, Hindmarsh Valley and Victor Harbor areas and one ought to get the message.

It is not the Government that has pushed up the price of land. One agent, whom I shall not name, who pioneered this new type of development and the new private extension in the southern area, has himself been prosecuted a couple of times, or threatened with it. If one finds someone in one of these areas who has a property that is sold at an exorbitant price, then the people in the local pub will say, "John Cleary has 32 acres of land and he got $38 000. If that is the case mine is on the market." I defy members opposite to refute what I say is true. If it is not true, then why did one see during the course of last week that a prime 640-acre farm was sold at auction in a country district?

The Hon. M. B. Cameron: Land tax forced them to sell.

The Hon. N. K. FOSTER: I thank the honourable member for his interjection. Land tax caused it! I put it to the honourable gentleman that he cannot have a skerrick of common sense if he says that was the cause. What caused it was all the land sharks going into the Mount Barker area. About five years ago there were only two land agents in the town, but now there are about 22. Why are there that many there?

The Hon. M. B. Cameron: Because the farmer has been forced to sell because of the land tax.

The Hon. N. K. FOSTER: The farmers have been conned and forced to sell because they have finally made the decision mentally that the piece of land that they have has increased in value and they have been made an offer that they cannot refuse.

The Hon. M. B. Cameron: Your inaction has killed the hills.

The Hon. N. K. FOSTER: I thank the honourable gentleman for his interjections. I did not intend to be on my feet for so long. They were made an offer which they could not refuse.

The Hon. M. B. Cameron: You are in a dream world.

The Hon. N. K. FOSTER: I am not in a dream world. I would suggest that the honourable member come back from his dreamland. One has only to go into the Parliamentary Library and go to the real estate properties for sale 10 years ago and compare them with the ones in that area now. I suggest to the Hon. Mr. Cameron that he should pick up the *Advertiser* of 10 years ago. He will find very little turnover in the Victor Harbor or Mount Barker areas, and also the nearer areas. No-one could sell a property in that area then. It was not until all the land sharks got there. If one were to pick up the *Advertiser* in the last five years one would see column after column of people who want to become licensed land agents, both male and female.

The Hon. T. M. Casey: What has happened to Hahndorf?

The Hon. N. K. FOSTER: I thank the Minister for his interjection.

The Hon. M. B. Cameron: Land tax killed that.

The Hon. N. K. FOSTER: Who would want to go there now? That town has been prostituted and ruined.

The PRESIDENT: Order! These conversations across the Chamber are disturbing. The Hon. Mr. Foster.

The Hon. N. K. FOSTER: Thank you, Mr. President. You know yourself that one of the greatest areas of business for lawyers and people connected with the legal profession in this city has been the transfer by sale or resale, constantly going on in the community, of property. Speculators are greedy and they were immune under the previous Government. My point is that it is no use members opposite standing up in this Chamber and cursing me whenever I put forward a point of view in a debate on a number of matters. Parliament must do its duty to the people in the community and should have the right to make retrospective legislation to protect people against greed.

I look forward to when we return to this place the week after next, in the hope that the Hon. Mr. Hill and others, who have been more leery and less cheery on that side of the Chamber about statements I have made, will have done some research on the matter themselves; I shall be happy if they can refute one word of what I have said about the way in which land prices and property valuations have been allowed to soar in this community, as a result of which we have a natural acceleration in the whole of suburbia in increased local government rating.

The Hon. M. B. Cameron: Here we have it!

The Hon. N. K. FOSTER: You must have it as a result of that, because of the way in which it is based; and there is also an increase in the other urban taxation areas, apart from local government.

The Hon. R. C. DeGaris: You think it is entirely due to rising land prices?

The Hon. N. K. FOSTER: Not entirely but, if you tell me that it is divorced from it, I hope you can put up a good argument.

The Hon. M. B. Cameron: There is also the point of land use.

The Hon. N. K. FOSTER: Probably, you made the mistake of flogging your land too early; that is the mistake you made. I conclude on this note, in all seriousness, that it is no good your coming here and shedding crocodile tears on behalf of people who have been run out of rural industries when the cause of that was the basic philosophy of the Liberal and Country Party Government, at the national level. From 1967 onwards, it was advocating its policies in every sector of the rural industry—wheatgrowing, woolgrowing, vinegrowing, and fruitgrowing. From the Liberal and Country Party, both nationally and through their policies in this State, a yell went up at the time of its confrontation with Black Jack McEwen, the Deputy Prime Minister and Leader of the Country Party, who faced thousands of angry farmers in Victoria by going out and propounding a policy of "Get big or get out".

That did more to reduce the number of primary producers in Australia than the Government, either Federal or State, has done since; and now we see farmers have got out because of increases in land prices. I challenge members opposite to point their finger at one piece of legislation introduced by the Dunstan or Walsh Government that was aimed at increasing land prices, either urban or rural.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given this Bill. What fascinates me is the fact that, when a Labor Government takes action to the Opposition's liking, it so happens that honourable members opposite say it is Liberal Party policy. The Hon. Mr. Dawkins in this debate was honest enough to say that it was Labor Party policy and, "When we were in power, we did nothing about it." The Hon. Mr. Dawkins was the most honest member opposite in saying that. It is fascinating what the Opposition will do—

The Hon. M. B. Cameron: You have made a mistake.

The Hon. D. H. L. BANFIELD: Honourable members opposite say it is their policy because they said so at the time of the election; but, when they were in power, they did nothing about it. As soon as the Labor Government brings in a Bill that suits members opposite, they say that

the Labor Party pinched their policy. They have two creeds—what they give people at an election and what they will put into practice if they get into Government. Fraser did exactly the same thing. The Hon. Mr. Hill said here the other day that Fraser had carried out 37 of his promises. When he got up to read out (he did not want to read them out but we insisted on it) what Fraser had done about carrying out those promises, he kept saying "It is under review" all the time. So this Bill was not pinched from the Liberal Party. If we did, thank goodness we did pinch it, because it would never have been put into operation, any more than other promises that they make once every three years would have been implemented.

I will reply to the specific matters raised by honourable members. The Hon. Mr. DeGaris sought an explanation of the basis on which the Commissioner makes his decision whether or not land is used for primary production. The Commissioner relies on advice from valuers of the Valuation Department identifying land so used by physical inspections. In addition, if the land is within a defined rural area, the Commissioner requires the taxpayer to show that primary production is his principal business. The land tax notice of payment this year will state that primary production land is exempt from tax. If any taxpayer on receiving notice for payment considers that land used for primary production is being taxed, it is competent for him to claim that it should be exempt. This claim will be referred to the Valuer-General for inspection to determine the use of the land.

The honourable member has also asked about the future of the provision of section 12c in relation to land used for primary production. I would refer the honourable member to my second reading speech in relation to clauses 3 and 7. The provisions of clause 7 of the amending Bill remove the power for land to be "declared rural land" in future as the necessity for this provision does not exist when land used for primary production is completely exempted from land tax. Certain of the provisions of section 12c are continued in operation simply to enable differential tax in respect of past years to become payable within the next four years in respect of any land which was "declared rural land" before June 30, 1967, and which ceases to be "declared rural land". The amount of deferred tax which will become payable will decrease each year during the next four years and no differential tax will be payable and no revocations of declarations will be necessary after that period has elapsed.

The Hon. Mr. Burdett has indicated that he proposes to move an amendment to the Bill to provide a right of objection and appeal against decisions of the Commissioner under section 12c (4) revoking declarations under section 12c that land is "declared rural land". That amendment is not acceptable to the Government.

I point out that the provisions of section 12c have operated successfully without rights of appeal for the past 15 years. As no new declarations can be made and as the provisions of that section will continue to have effect only during the next four years, after which no revocations will be made and no deferred tax will become payable, I can see no real reason why elaborate appeal proceedings are necessary in the Act at this stage. In any event, the Ombudsman has power to investigate the exercise of administrative decisions should a complaint be made by a dissatisfied taxpayer. I commend the Bill to honourable members and repeat that it is a measure that honourable members opposite were not prepared to implement when they were in Government.

Bill read a second time.

In Committee.

The CHAIRMAN: Whilst the Bill is dealt with by the Committee, I will allow the departmental head (Mr. Tucker), to occupy a seat alongside the Minister.

Clauses 1 to 6 passed.

Clause 7—"Special provision for rural land."

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

Page 2, line 12—After "subsection (5)" insert "and inserting in lieu thereof the following subsections:

(5) Where the Commissioner revokes a declaration wholly or in part under this section, a taxpayer in respect of the land to which the declaration applied may, within twenty-eight days of the date of the revocation, lodge a written objection with the Treasurer setting out in detail the grounds upon which he objects to the decision to revoke the declaration.

(5a) The Treasurer shall consider any such objection and may—

(*a*) uphold the decision of the Commissioner;

(*b*) vary the decision of the Commissioner; or

(*c*) quash the decision of the Commissioner,

and shall, by notice in writing, inform the taxpayer of his decision upon the objection.

(5b) The taxpayer, if dissatisfied with a decision of the Treasurer upon an objection under this section, may, by notice in writing served upon the Treasurer within twenty-eight days of the date of the Treasurer's decision upon the objection, request the Treasurer to refer the objection to the Land and Valuation Court.

(5c) The Treasurer, upon receipt of a notice under subsection (5b) of this section shall refer the objection to the Land and Valuation Court in accordance with the request.

(5d) Where an objection has been referred to the Land and Valuation Court in pursuance of this section the Court shall hear evidence as to whether the decision of the Commissioner was duly made in accordance with this Act and may—

(*a*) uphold the decision;

(*b*) vary the decision; or

(*c*) quash the decision,

and make such orders for costs and other ancillary matters as the Court thinks fit."

I can hardly agree with the Minister that this amendment involves an elaborate procedure. I defy him to devise a simpler procedure, as this amendment provides for an objection and then reference to the Land and Valuation Court. This amendment should be accepted by the Committee and submitted to another place for its consideration. In his second reading reply the Minister said that section 12c had operated satisfactorily for the past 15 years, but the same reasons for the amendment have not existed for 15 years. As a result of this Bill, the revocation of the section 12c declaration becomes important.

It is because of this Bill that I have moved this suggested amendment. The excuses advanced by the Minister for not supporting the amendment were pathetic. He suggested that taxpayers had access to the Ombudsman. I have every respect for the Ombudsman and the way in which he operates, but that is not a proper appeal, as everyone knows—merely because anyone can approach the Ombudsman. That is no excuse for not allowing a proper right of appeal where the body appealed to has power directly to institute a remedy. As the Minister said, this provision would operate for five years only. It is no excuse saying that an injustice is satisfactory because it will last for only five years.

The Hon. R. C. DeGaris: That's a long time.

The Hon. J. C. BURDETT: Yes. As I gave the reasons for my amendment in the second reading debate I do not intend to go through them again in detail. However,

the Bill gives great benefit, as all honourable members have said. The amendment is in the spirit of the Bill, as it seeks to prevent the benefits of the Bill being arbitrarily withheld and it provides a right of appeal. It is no excuse whatever to say that the provision will last for only five years. This simple amendment will not do any harm and, although it will have effect for only five years, the financial effect on taxpayers during that period could be enormous.

The Hon. R. C. DeGaris: That it will apply for only five years cuts across the Government's case.

The Hon. J. C. BURDETT: True, and the Government might just as well accept it. I do not know why the Government is worried.

The Hon. M. B. DAWKINS: I support the amendment, and I am disappointed that the Minister is unwilling to accept it. The Bill has been commended by every honourable member who spoke in the debate, and the amendment merely tidies up one weak portion of the Bill: it prevents a possible injustice that could result in a considerable financial burden on taxpayers. The amendment is a simple and logical way of dealing with the problem. Will the Minister reconsider his decision? The amendment does nothing to weaken the Bill; it only improves it. The amendment is fair and reasonable.

The Hon. N. K. FOSTER: Can the Leader of the Opposition say who is the "Treasurer" for the purpose of the amendment?

The Hon. R. C. DeGARIS: Although my knowledge of the present Government is slim, if the honourable member does not know who the Treasurer is, he should find out.

The Hon. N. K. FOSTER: Of course, I knew what was meant, that the Treasurer is a Minister and, in this case, he is also the Premier. Therefore, I suggest to honourable members opposite that they should no longer seek in the Committee stages to move amendments denying that the final authority shall reside in the Minister. Liberal members have sought time and time again to strike out provisions whose ultimate effect was an appeal to a Minister (for example, the water resources legislation), yet they are now seeking an amendment that would have the very effect that they previously opposed. If the Hon. Mr. Burdett is honest and consistent, he will withdraw his amendment.

The Hon. J. C. BURDETT: The honourable member obviously does not know what he is talking about. He is not aware of the usual form of appeals in taxation matters. The form of appeal in this amendment follows that in the Stamp Duties Act and the Succession Duties Act. I am indebted to Mr. Tucker's courtesy in suggesting this simple and proper form of appeal. Regarding the other matter to which the Hon. Mr. Foster referred, he does not know what he is talking about in that connection, either. In cases where I have sought an appeal to an authority other than the Minister, it has been an ultimate appeal. However, the appeal to the Treasurer is not an ultimate appeal; in fact, it is not an appeal at all—it is an objection.

This amendment provides for an ultimate appeal to a court, and this is entirely consistent with my attitude to all the measures to which the Hon. Mr. Foster referred. If he cannot advance a better argument than that, he should keep quiet. There is no reason why I should withdraw my amendment, which is in the usual form and allows an ultimate appeal to a court.

The Hon. N. K. FOSTER: We all know that Parliament is not above appeals made to the High Court. If the appeal is not the ultimate appeal, at least it is the ultimate appeal that does not incur a monetary charge, which would be forced upon a person if he had to take the matter through normal channels. Under new subsection (5a), the Treasurer can write to a landholder, who can lodge an appeal and say what happened. The landholder does not have to worry about recourse to the courts.

The Hon. M. B. CAMERON: Sometimes all of us make mistakes, and I think the Hon. Mr. Foster would be well advised to reconsider the whole amendment, because he has failed to read down to subsection (5b), which provides that, after the Treasurer makes a decision, the taxpayer has a further recourse to the courts.

The Hon. N. K. Foster: I was particularly concerned with the "no cost" aspect. At present, justice is available only to those who have the money.

The Hon. J. C. Burdett: You needn't appeal if you don't want to.

The Hon. M. B. CAMERON: At present, as the Bill stands, there is no appeal. All this amendment does is give a right of appeal to the Treasurer and then, if the taxpayer is dissatisfied, to the Land and Valuation Court; surely that is fair. If a declaration is revoked, a person could find himself paying enormous amounts of land tax. It is therefore only right and proper that he should have a right of appeal; that is all that is occurring. Any fair-minded Government would support this amendment, and I urge the Government not to listen to the Hon. Mr. Foster, because he has not read the amendment.

The Hon. R. C. DeGaris: Should we ask the Minister to explain to us what the Hon. Mr. Foster is trying to say?

The Hon. M. B. CAMERON: I would not embarrass the Minister by asking him to do that. Even with the best of advice, the Minister could not be expected to do that. The Minister should support this fair and reasonable amendment. As things stand at present, a person could be forced to sell his land, as so many other people in the Hills have been forced to do. I ask the Minister to give the taxpayer some rights.

The Hon. D. H. L. BANFIELD (Minister of Health): The Hon. Mr. Cameron has said that it is unfortunate that there is no right of appeal in this Bill. However, there has been no right of appeal against this provision for the last 15 years, for six years of which a Liberal Government was in office. What is even more intriguing is that the Leader, the Hon. Mr. Burdett and the Hon. Mr. Cameron have not cited one case where the present system has not worked. Had there been complaints about the present system, the Government would have examined them. There is no reason why this practice should not continue to work as well in the next five years as it has worked in the last 15 years.

I hope the Hon. Mr. Burdett regrets what he said regarding a departmental officer. He implied that this advice was given to him. That is most regrettable, and is something that is not done in the Council. The Government is responsible for this matter and, merely because it makes available a departmental officer to speak to honourable members, it is not to be assumed that that officer is advocating certain things. In no way did the officer imply that he was advocating such a course of action. I understood him to say, "If you intend to proceed with such an amendment, this would be the way in which to do so."

Except for subsection (1), the provisions of section 12c, as amended by the Bill, will have effect only during the next four years, and no new declarations can be made under that section. The power for the Commissioner to make revocations was included by a Liberal Government in the 1961 Act. However, that Government did not

introduce a right of appeal. Despite that, members opposite seem to think that such a right of appeal should be included. This provision has operated successfully during the last 15 years without any real difficulty arising in respect of revocations made by the Commissioner. Honourable members opposite have not cited one instance where this has not worked.

These are administrative decisions necessary to be made in the normal course of business of the department, and they are not the type of matter suitable for review within the procedure of courts of law. If appeals were made, it would merely clog up the administration of the department. Because this has operated so successfully in the last 15 years, I appeal to honourable members not to support the amendment. Although members opposite say that there is no right of appeal, if a person is dissatisfied about a certain matter, he can refer it to the Ombudsman. The Liberal Party Government, when it was in office, was not willing to appoint an Ombudsman, to whom people could go if they were not getting satisfaction. The Ombudsman has authority to investigate such decisions upon a complaint being made by a taxpayer. The Government can therefore see no real reason why appeal procedures should be introduced.

In practice, Valuation Department valuers become aware that declared rural land is being subdivided or sold and, as a result of inspections, ascertain that it is not being used for primary production. This is then reported to the Commissioner of Land Tax. If the valuer has not confirmed his conclusions by discussions with the owner of the land, the Commissioner writes to the owner, telling him of the report and inviting him to submit representations on the matter if he so desires. If, as a result of those representations, there is any doubt about the matter, the department gives the owner the benefit of that doubt. I ask honourable members to ensure that that procedure is followed in future. For this reason, the Government strongly opposes the Hon. Mr. Burdett's amendment.

The Hon. J. C. BURDETT: The point that the Minister has raised has already been dealt with. There was not the same need over the last 15 years to have a right of appeal because the land no longer deemed to be used for primary production was not deprived of exemption as proposed in the Bill. I have no regrets about mentioning the departmental officer in the way I did. I made no adverse implication; nor did I imply that he was supporting this amendment. I remind the Committee that I referred to him in the course of defending myself against the tirade of the Hon. Mr. Foster, who suggested that I was being inconsistent in moving this amendment.

I understand that a right of appeal would be in line with that obtaining in the Stamp Duties Act and the Succession Duties Act. I do not know why the Minister, if he really believes what he has said, does not remove the right of appeal under those Acts and leave matters to the Ombudsman.

The Hon. D. H. L. Banfield: Do you agree that matters of law are involved there?

The Hon. J. C. BURDETT: Matters of law are also involved here.

The Hon. D. H. L. Banfield: No, they're not.

The Hon. J. C. BURDETT: They are. I referred to the departmental officer only when explaining why I had drawn the amendment in this way. I hasten to add that I certainly did not intend to imply that that officer supported the amendment, and I thank him very much for his courtesy in assisting me. The reason that the Minister said he would make the departmental officer available to me was that he wanted the Bill dealt with promptly.

The Hon. D. H. L. Banfield: Have you ever been denied the right to speak to an officer about any Bill?

The Hon. J. C. BURDETT: No, I have not.

The Hon. D. H. L. Banfield: Have you ever been denied access to a departmental officer?

The Hon. J. C. BURDETT: On the very rare occasions that access to departmental officers has been offered, it has been because the Government wishes the Bill to be dealt with in a hurry.

The Hon. R. C. DeGARIS: I support what has been said by the Hon. Mr. Burdett. It seems to me, in the new circumstances that this Bill creates, that there is a need for a right of appeal. The argument that there was no appeal previously has very little to do with the position under this new legislation, and quite candidly I cannot understand the very strong opposition that the Government is showing to it. It indicates to me that the Government at this stage has not carefully examined the amendment. I know that the Government wants the Bill urgently, and that most people in the community would like to see the Bill in operation as soon as possible. In listening to the debate on this amendment very little has been said to refute the basic argument put forward by the mover. If the amendment is carried, the House of Assembly will have a chance to examine it; if it is not accepted by the House of Assembly, or if the House of Assembly remains adamant in relation to the amendment, I will have to consider insisting on it. I believe the amendment is a very logical and practical one.

The Hon. M. B. CAMERON: When the Minister is in some doubt about what he is saying, he continually runs back to the argument of what people did or did not do in the past.

The Hon. D. H. L. Banfield: No wonder your conscience pricks you.

The Hon. M. B. CAMERON: Let me make the point to the Minister that I was not in this Chamber at the time in question.

The Hon. D. H. L. Banfield: Thank goodness for that. You have done nothing since you have been here.

The Hon. M. B. CAMERON: That is not the reason for saying things like that to me. Surely the Minister can find a better argument than "You didn't do it before; why should we do it now?" I get sick to death of hearing it said "Well, in 1960 you didn't do it; in 1968 you didn't do it." Let us grow up and look at the present and future, not at the past.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron does not want to look at the past; his record is not good enough to do so. He has been in three Parties in the short period he has been a member.

Members interjecting:

The PRESIDENT: Order! We are discussing the amendment to clause 7.

The Hon. D. H. L. BANFIELD: The fact remains that people outside at least want some safeguard. They want to be assured that there will be a continuity of policy; they do not want a policy in regard to taxation changed overnight. Honourable members opposite say that in the past there was no need for this provision because circumstances were different. Of course circumstances were different in those days. Under this Bill a change is occurring for the better, although the principle is the same. Members opposite had six years to change this principle if they wished.

The Hon. M. B. CAMERON: The Minister has amply demonstrated the point I was making. It is obvious that he is too old to change; with a bit of luck the age limit will take care of him and we will get someone who is prepared to look to the future.

The Hon. D. H. L. BANFIELD: I am two years younger than the Hon. Mr. Cameron! I must say that he has ably demonstrated how he can change, because he changes from one Party to another just to suit himself. So there is no doubt that the honourable member can change from time to time.

The Committee divided on the suggested amendment:

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

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

Pair—Aye—The Hon. D. H. Laidlaw. No—The Hon. J. E. Dunford.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I understand this is a matter that was not considered by the House of Assembly so, to enable it to do so, I give my casting vote in favour of the Ayes.

Suggested amendment thus carried; clause as amended passed.

Clause 8 and title passed.

Bill read a third time and passed.

METROPOLITAN ADELAIDE ROAD WIDENING PLAN ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It arises from an examination of the operation of the principal Act, the Metropolitan Adelaide Road Widening Plan Act, since its enactment in 1972. Since the amendments are somewhat disparate, they can perhaps be dealt with in an examination of the clauses of the Bill.

Clauses 1 and 2 are formal. Clause 3 substitutes for the present definition a new definition of "building work" that follows generally the definition of "building work" in the Building Act. However, in this definition provision is made to extend the kind of work that may be encompassed by the definition of "building work", such as major earthworks. Applicants for the Commissioner of Highways' approval under the principal Act will, in general terms, no longer have to consider the two different definitions of "building work". In the ordinary course of events building work that requires approval under the Building Act will also, in appropriate cases, require approval under this Act. Provision is made to exempt such building work of a minor nature. Clause 4 amends section 4 of the principal Act by clarifying the situation in relation to which the principal Act applies—that is, land on which no building work may be carried out without the approval of the Commissioner.

Clause 5, which amends section 6 of the principal Act, removes the distinction between new building work and repairs and alterations, a distinction that is often very difficult, in practice, to draw. Clause 6 amends section 7 of the principal Act to make it clear that the loss of compensation for building work carried out without the consent of the Commissioner will occur notwithstanding the later means of acquisition by the Commissioner so long as the land is acquired for road widening purposes. Clause 7 is consequential on clause 6. It cannot be too strongly emphasised that it is not the Government's intention to prevent all "building work" being carried out on land to which this Act applies. Rather, it is to ensure that, in the context of the Government's long-term and short-term road widening programmes, works are not performed in the vicinity of roads proposed to be widened that will cause hardship and inconvenience to the landowners, should their removal be required.

The Hon. C. M. HILL secured the adjournment of the debate.

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1583.)

The Hon. J. C. BURDETT: I support the second reading of this short and simple Bill. The principal Act was introduced to give temporary industrial jurisdiction, because the future of wage indexation was then not known. That Act had an expiry date on it, and the future of wage indexation is still not known. This Bill extends the period of operation of the principal Act until December 31, 1977, or until it is proclaimed to no longer apply, whichever should first occur. I support the Bill.

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

SOUTH AUSTRALIAN HEALTH COMMISSION BILL

Adjourned debate on second reading.

(Continued from October 19. Page 1595.)

The Hon. C. M. HILL: When I sought leave to conclude my remarks yesterday I had dealt with the broad principles of the Bill, and I had stressed two main headings under which I believed close scrutiny was necessary to improve the measure further. I support the concept of a commission, and my main worry about the commission is in respect of its constitution. I hope it will be possible for many of the fears that have been expressed to me to be dispelled in order to obtain ultimately on the commission representation of groups that are directly involved with various sectors of the health scene. I then dealt with the other major issue: the local government levy. The levy should be abolished, and this is an appropriate time for its abolition.

Supporting the abolition of the levy, I said that local government wanted not so much to be absolved from having to pay the levy for health purposes or to direct the same funds to other areas but sought the opportunity to expand its own expenditure on health matters in appropriate areas close to local government at a community level. Presently the levy on local government is spent on capital works involving hospital construction. I have obtained details from some councils to give a closer picture of the areas local government is involved in and of its aspirations to expand further in the health area.

The Salisbury council spends 13·2 per cent ($468 591) of its total rates on health matters. The levy on that council amounts to $93 000. That council would like to divert the sum collected through the levy to expand personal services in health education, family support services and care for the aged. The council spends money under the health fund umbrella on a women's rest centre, immunisation work, general inspections, sanitary garbage collections and disposal of garbage. That work is already being carried out by the council. Like all other councils, Salisbury council wishes to combine more of its health services with its welfare services, and it is in this area of intended expansion that the council urgently needs more funds. It is in this area that the council wants to use the funds that are normally collected under the levy.

In combining with welfare services so that health sisters and other employees in the health field can work side by side with social workers, local government in this area and elsewhere would be fulfilling a real role in the modern community. Also, I have ascertained that the Woodville council spends 12 per cent of its total rate revenue on health work. That amounts to $466 090 and the levy in that case is $112 150. One can see the extent of the additional activity that the Woodville council can involve itself in if the amount of the levy could be used by it for health and welfare services.

The councils to which I have referred are large metropolitan councils, and a smaller country council is the Gumeracha council, which spends 18·4 per cent of its revenue, or $29 670, on health matters already. That council pays a levy of $4 226. That may not seem a large amount to some people, but the council has established in the area a home for the aged and urgently needs to employ trained staff, even on a part-time basis, so that the facilities to assist that home can be implemented. A small committee is working on this matter at present, trying to plan for these needs to be put into effect.

However, even though the $4 226 that normally would go in payment of the levy can be used by that council to assist its plans to extend the home, the money would be most beneficial if used for other purposes of local government in the area. The ironical part of the situation in Gumeracha is that the council must pay the levy of $4 226 but cannot afford to pay it, preferring to spend the money in the way I have explained for assistance to aged persons, whereas the hospital has money in the bank, so to speak, and the whole question in that area regarding health services is completely out of balance.

Councils are levied the cost of work on the hospital building and the Gumeracha Hospital has money to spare, yet there is this urgent need elsewhere in the area to expand these facilities for the home for aged persons. This kind of imbalance can be corrected if the Government abolishes the levy, which is dealt with in clauses 39 to 42. The same question regarding senior citizens arises at Victor Harbor. The Victor Harbor council recently has acquired senior citizens clubrooms. Incidentally, the council would be paying about $20 000 to the commission as a levy if the Bill was passed in its present form. The council believes that that money, or part of it, could be spent to better advantage for that purpose than if it were channelled back to the local hospital.

In the city of Adelaide, we have the largest local government body in the State and recently a social planner has carried out a community needs survey, trying to identify the problems and deficiencies in health and welfare programmes in the city. I understand that the survey has exposed extremely serious needs, and the council should channel money into these areas but it cannot afford to do that whilst the heavy impost of the levy continues.

The council, like the other councils that I have mentioned, already carries a considerable burden regarding health expenditure on such matters as the inoculation work, immunisation, control of infectious diseases, sanitary control, and vermin control. In addition, the council has a trained nurse and social welfare worker. The council is facing up to its responsibilities but, in this era, when much is being found out about the needs, especially human needs, in local government areas through research and that kind of community needs survey about the loneliness of elderly citizens in the community, there is a necessity for local government to spend money in dealing with the problem.

To summarise, I say that, first, local government meets its responsibilities at present. Secondly, there is a need for expansion of expenditure. Thirdly, local government cannot afford to do that at present. Fourthly, this levy, which is an impost and which is appropriated for hospital capital works, should be abolished, as I have mentioned.

I support the second reading. I believe that the Bill can be improved, because there can be a tightening up regarding the qualifications and sectional interests of those who comprise the commission. Doubtless, other members will give their own ideas regarding the commission and its composition, and I look forward to hearing them. Some honourable members may take exception to other parts of the Bill and want to amend them, but my thinking is based on the two lines of trying to improve the commission at the top of this great umbrella that has been proposed to embrace the Hospitals Department, the Health Department, and the regional amenities that deal with the total health area.

I think that the best check to ensure the future is to look closely at the constitution of the controlling body, the commission. Secondly, in my view the big issue in the Bill is the levy, and I will vote to delete the clauses that carry it on. That will echo my clear view that from now on the levy should be abolished.

The Hon. R. C. DeGARIS (Leader of the Opposition): I suppose that this Parliament is committed to the establishment in this State of a Health Commission. My own view is that it would not concern me very much if the Bill was lost. In its present form, I do not believe that it will add anything of great value to the provision and delivery of health services in South Australia. Its achievements in one area will be offset by losses in another.

In its organisation, delivery and administration of health services, South Australia has developed a unique system that has, by comparison with other States and countries, provided a high standard of service in a large area, with both concentrated and sparse populations, at the cheapest cost to the patient. It is important to realise these things.

The uniqueness of our system deserves comment. The system has proved so successful because we in South Australia have relied more heavily on community involvement in the provision and delivery of health services than has any other State; indeed, I think I would be correct in saying that we have relied more heavily in this respect than has any other country. Herein lies the success of our system. However, over the years, the uniqueness of the system has been gradually eroded until, with the impact on the system of the Medibank concept of the Federal Government in 1974-75, a heavy blow was dealt to the

concepts that were followed for many years in South Australia. I cannot understand why we cannot learn from what has happened in other parts of the world where in the past there was a movement to a highly centralised, bureaucratic system while in this State we insisted on a strong devolution of autonomy in connection with health services. No matter where one looks, the countries that have followed the socialist ideal of a highly-centralised, politically-controlled health service are turning gradually but perceptibly away from that concept.

Some years ago, I spent six days examining the health and hospital system in Sweden. I recall talking to an Italian doctor in that country, a naturalised Swede, and explaining to him the policies followed in South Australia. The doctor freely admitted that, although Swedish hospitals had magnificent architecture and fine equipment, they could not, because of the system, satisfy the demands of the people nearly as well as could the South Australian system. The delivery of health services in Sweden had been moved away from community involvement in those services.

The first essential is to ensure that the community can involve itself in the provision and delivery of health services. If that incentive is destroyed by the policies of any State Government or Federal Government, the cost of that delivery will escalate, and the standard will decline for a similar unit cost. I believe that this Bill, with the added effect of the Medibank philosophy, will detrimentally affect the essential core of a successful system. I hope honourable members will not infer from what I have said that I do not believe that the existing system can be improved; it can be. But it will not be improved by the destruction of the whole base of its success—community involvement. This is why I argue that no great harm will be done if this Bill is lost.

One of the main problems in health administration is the inability of the Government to come to grips with the main administrative problems. The democratic remedy of the age is then applied: place the matter in the hands of a commission for a report. So, the first step is taken by appointing a commission of inquiry under a prominent judge. Then, a recommendation is made, following which a Bill is introduced. The Bill is then referred to a Select Committee of another place. Lastly, let the Upper House have a go at it!

The argument may be advanced that all expert opinion has been canvassed, and the Bill should pass in its present form. However, I point out that some honourable members of this Council have had a long and distinguished record of service in the administration and delivery of health services; their opinions should be listened to, if nothing else. If the establishment of a Health Commission in South Australia overcomes the departmental problems at present faced, little can be said against the move. However, in establishing it, we must be doubly sure that we do not lose many of the advantages in the existing position.

My first point is that, if the commission handles only health activities, it will be seriously hampered in its ability to co-ordinate all effort. I raise the question of the commission also embracing welfare. I am pleased that the Hon. Mr. Hill referred to this important matter. In modern developments in the delivery of a health care system, the crossovers between welfare and health occur in so many areas that to consider one aspect separately from another appears short-sighted. It appears to be short-sighted to have health matters under the care of a commission while welfare matters are under the care of a Minister. The commission should cover the welfare area, too.

The whole scope of the commission's responsibilities must be broadened to encompass every facet of health activities. I know it can be said that education is another area in which there are crossovers in responsibility, but the divisions between health care delivery and education are more clearly seen than in the area of welfare and health. Social workers, counselling services, home nursing, Meals on Wheels, paramedical services, various therapies, mental health auxiliaries, local government domiciliary services of all types, and supportive services—all have a most important part to play in a health care system, and they cannot be divorced from that system and put into another area. Admittedly, some areas of welfare are not directly related to health, but those areas are not large, from the State viewpoint. In most modern democratic countries, particularly America and Great Britain, the movement has been toward having one departmental head running both health and welfare matters. So, the first point I wish to stress is the need for the inclusion of welfare and representation of those organisations in the deliberations of the commission.

The second point, which I am pleased is included in the Bill (I think in clause 15), is that the commission must be under the control of the Minister of Health. Some commissions that operate in this field are not subject to Ministerial control. Subject always to the Minister, the commission should have responsibility for conducting or overseeing all health and welfare services in South Australia, whether preventive or curative, or whether related to physical or mental illness, including care of elderly persons and the handicapped. In some areas of public administration, a Minister should be responsible for, but should not control, activities. That would be freely admitted by every honourable member. Regarding a health and welfare commission, there must be Ministerial control and responsibility. A health and welfare commission should not be a screen for Government inefficiencies and Government responsibility.

My third point is that the commission should not be a representative body. A representative body of full-time and part-time commissioners would, in my opinion, be a disaster and would present serious administrative problems. I am strongly opposed to a commission of more than three members. I am opposed to a commission comprising both full-time and part-time commissioners. The full-time commissioners should be highly-skilled people, with a wide knowledge of health administration.

If one likes to look at it this way, the commission may well be looked upon as the executive of the general organisation about which I will speak. Beneath the commission of three persons, one being a skilled person in medicine and hospitals administration, and two other commissioners, the commission should be the advisory council, a representative body of all parts of the health and welfare system.

The representative on the advisory council to the commission should have access to the grass roots level of the system in the field that he or she represents on the council. This will provide a flow of information to the commission, and its decisions will be influenced by lines of communication to all sections of the health and welfare system in the State. Such an organisation would have a much greater chance of success than that contained in the Bill.

The next point follows, naturally, from what I have said so far. Although there is a need for clear lines of communication to the commission (and there must be an ability for the commission to make decisions on that flow of information), the whole emphasis must be on decentralising decision-making processes in the health delivery system.

Preserve us from a powerful, dominating, decision-making commission that takes upon itself the role of delivering health services in this State.

The philosophy of the commission should be to encourage autonomy; encourage local hospital boards; assist local government; and to bring more and more organisations, whether Government, semi-government, or local government into a position of responsibility in the health and welfare system. The success or failure of the commission's work will depend on this factor.

If the community detects for one moment that the commission has a dominating position, the acceptance by the lower echelons in the system, of a responsibility, will wither and die. If that happens (and I think it is happening already, sadly), because of decisions in health administration that have already been made, the system we have built up over many years will be lost. That would be a tragedy. Community involvement, community responsibility and local interest are all fragile flowers which, if not recognised and nurtured, will die. I repeat that, if that highly centralised system develops out of this commission approach, it would be a tragedy for the delivery of health services in this State. Although the objects of the Bill are detailed in clause 3, I still believe that the devolution of power is not sufficiently emphasised as a main aim of the philosophy of the proposed commission.

My final point deals with local government rating. I know that this matter has already been dealt with fully by the Hon. Mr. Hill. This system, of local government rating for hospital purposes, which is, I believe, unique to South Australia (I do not know of any other Australian State that uses it) has now served its purpose and should be dispensed with. There is no case that can be made for the ratepayer, the person who owns property or who sometimes occupies property, being called upon compulsorily to contribute to Government revenue for the provision of hospital purposes.

The Hon. J. E. Dunford: Why not?

The Hon. R. C. DeGARIS: If the honourable member would like me to go back through my speeches on land tax and capital forms of taxation, I am willing to stand here for a long time and do so. I will answer it in this way: in the original formation of our hospital system, which as I said earlier is unique in the Australian (and I believe the world) context, the compulsory contribution was an important part in achieving community involvement.

Also, in the original concept, that is, the idea of getting hospitals into country areas and to make local people in those areas responsible for the provision of those services, this system was revoked. I remind honourable members that from 1919 until well into the 1950's the only hospital rate paid was that paid by country areas; no rate was paid in the metropolitan area. The people there had their services provided totally by the State in their large hospitals. However, local ratepayers in country areas have for 40 years made their contribution to the hospitals of this State.

In the modern-day philosophy, no argument can be advanced that a person who happens to own a property or who has a property in his name, irrespective of the equity he holds therein, should be forced compulsorily to contribute towards the Government's responsibility to run health and welfare services. This is not to say that local government should not be involved in health and welfare work, as I believe it should be involved. Indeed, I believe that it wants to be involved. However, I make the point strongly that, in the changing situation, no case can be made out to justify levying from one section of the community a contribution for the provision of hospital and health services for the whole State.

The Hon. J. E. Dunford: You sound like you support Medibank.

The Hon. R. C. DeGARIS: I have spoken clearly on that matter. I do not agree that the concept of Medibank, as applied to our hospital and health delivery systems, is doing any good at all. I warned the Chamber when that happened that there would be a decline in the community involvement and that, sadly, has already happened.

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

The Hon. R. C. DeGARIS: No.

The Hon. N. K. Foster: Of course he wouldn't.

The Hon. R. C. DeGARIS: First of all, get in your seat.

The Hon. N. K. FOSTER: Will the honourable member give way now that I am back in my seat?

The Hon. R. C. DeGARIS: Yes.

The Hon. N. K. FOSTER: The honourable member again raises the question in this debate that he foresaw, that under Medibank there would be a lesser amount of community interest and involvement in local areas or towns. He is making the point, first, that there ought to be involvement on a local government basis, provided that they accept no financial responsibility whatsoever, and that it should be borne by the community and State at large; and secondly, that the so-called community involvement in the areas to which he has previously referred is not a financial involvement. The North-Eastern Community Hospital cost X million dollars, most of which comes from a form of Government subsidy. Most of the community involvement was the running of a fair every 12 months. That is the extent of what was required to meet the cost of building that hospital. The honourable member cannot have it both ways. Either he accepts the measure before the Chamber on the basis that it accepts responsibility totally in the interests of health, or divides the responsibility into specific areas so that it comes to the question of a financial burden.

The Hon. R. C. DeGARIS: I shall be pleased if someone would tell me what the Hon. Mr. Foster is talking about.

The Hon. N. K. Foster: I told you they do not have any involvement in the raising of the finance.

The Hon. R. C. DeGARIS: There should be a special person in this Chamber to explain what the Hon. Mr. Foster is talking about.

The Hon. C. M. Hill: On all occasions.

The Hon. R. C. DeGARIS: Yes. The Hon. Mr. Foster—

The Hon. N. K. Foster: Has finance been made available by the community to provide a community hospital in the past three years?

The ACTING PRESIDENT (Hon. R. A. Geddes): Order!

The Hon. N. K. Foster: Don't be so damn dumb.

The ACTING PRESIDENT: Order! The honourable member has had his say.

The Hon. N. K. Foster: He's not going to have a shot like that at me. If he wants an answer let him look at the North-Eastern Community Hospital's books.

The ACTING PRESIDENT: Order!

The Hon. R. C. DeGARIS: My knowledge of hospitals in this State would be much greater than the Hon. Mr. Foster's. Will he pause for a moment and listen to what I am talking about? Unfortunately, people like the Hon. Mr. Foster look at community involvement purely as the

provision of money and nothing else. He talks about an annual fete, and that that is all a community does for a hospital, and, as most honourable members who have been involved on hospital boards and in other areas of hospital administration know, it goes much deeper than that. Most hospitals have auxiliaries that work the whole year round. They provide money not only for amenities but for a whole range of things. It is a community involvement in relation to the interest and knowledge that they have concerning health. Health is the important thing.

I now come to the main point. There is no argument that can be advanced in this modern day that there should be a compulsory rating on local government for the provision of hospital services where the Government determines where the money goes. Local government will play its part, and play it well, if trusted to do so. However, I believe it is offensive at this present time to have a situation where local government is told, "Thou shalt be rated not higher than 3 per cent, that will go into Government revenue, and we will determine where it will be spent."

The Hon. D. H. L. Banfield: That is not right.

The Hon. R. C. DeGARIS: I know the Minister has refused to pay money to the Keith Hospital on the rating of the District Council of Coonalpyn Downs. It was obliged to pay the 3 per cent and it wanted to pay the money to the Keith Hospital and the Minister said "No".

The Hon. D. H. L. Banfield: That is not right. No council has been denied funds.

The Hon. R. C. DeGARIS: Simply because the Keith Hospital had the temerity to say "We don't want to be in the Medibank scheme. We want to go it alone."

The Hon. D. H. L. Banfield: No council has been refused to be allowed to pay any money to any hospital, and the Hon. Mr. DeGaris knows that.

The Hon. R. C. DeGARIS: I didn't say that. I said that the council has been rated at a 3 per cent maximum levy. That is paid to the Government and of the 3 per cent levy it wanted some to go to the Keith Hospital and the Government said "No. If you want to give money to Keith Hospital, you have to pay more than 3 per cent." That is the point I am making. It is a very valid point.

At this stage I support the second reading. I am not overconcerned whether the Bill passes or not. I believe in the concept of the Health Commission as it is in the Bill. There is a very grave danger that we are going to move on to a different system of health delivery which in the long term may not be in the best interests of the State.

The Hon. J. A. CARNIE: In rising to support this Bill I must confess at the outset that I have several reservations concerning it. Some of those reservations were similar to those voiced by the Hon. Mr. DeGaris, who has just resumed his seat. I will not canvass those again. One of the main reservations I have concerning Bill is the fact that we are now proceeding to set up a giant bureaucratic organisation. To quote briefly, the Hospitals Department non-government hospitals and institutions in the Department of Public Health for the year ended June 30, 1976, administered funds totalling $248 000 000 which was an increase of 36 per cent over the previous year. In looking at the Budget and Loan Estimates for the coming year the figures appear to be something of the order of $271 000 000, which is a further increase of 9 per cent. The Hospitals Department alone represented 14 per cent of the State's gross payments from Consolidated Revenue for 1975-76.

I would, with regret, point out to the Chamber that the Hospitals Department does not have a good rack record concerning its financial records. The Auditor-General has for three successive years drawn attention to inadequacy of budgetary controls and reporting thereon, and also there is a lack of internal auditing, which was commented on in 1975. We are now proceeding to set up this huge and powerful organisation which means that the commission and the commissioners will wield enormous power in this State. I believe this is something to be watched very closely to ensure that we do not create a monster which may in turn create a great deal of trouble.

We must accept the concept of the Health Commission. We have the original Bill which was brought before the House of Assembly the first time on November 12, 1975. The matter went to a Select Committee and I believe from evidence which I have read that no-one opposed the concept of the commission. I will accept this point. I will admit also that the fragmentation of health and associated services has been a debilitating factor in providing continuity in health care and support in South Australia. I believe it is essential that we prevent a duplication of services and ensure that all services are effectively administered and available to all sections of the community. There is no doubt that this can best be done by an overall co-ordinating body. This Bill proves how essential it was to have a Select Committee. In passing, I would like to take some credit for the fact that the Bill was put before a Select Committee. I believe that if I had not indicated my support for a referral to a Select Committee the Government would not have agreed to a referral of the Bill in the Lower House. In the second reading explanation the Minister said that the Bright committee recommended that there should be a single authority external to the Public Service to bring within a unified system of control all health services provided or subsidised by the Government. He said further on that the Government accepted the broad principles of the Bright committee's recommendations. Further on still, he said:

> In 1974, the Government appointed a steering committee to plan for the establishment of a health commission whose primary responsibility would be to co-ordinate and rationalise health services in South Australia. The Bill now before you reflects the work done by that committee.

The original Bill, before referral to a Select Committee, represented departmental thinking and was a departmental assessment of requirements; public thinking was not sought at that time. The main evidence put before the Select Committee showed how many people expressed pleasure when they were called to express their point of view. That should have been done in the first place. The many amendments recommended by the Select Committee proved the necessity of having a committee, and have made this a much better Bill.

I should like to digress for a moment and say that, to me, it shows the worth of non-Party committees. I have said before that investigatory committees can save much tedious and unnecessary debate. I still think the Legislative Council should have committees similar to Senate committees in industrial, financial, educational, and health matters, etc. I hope the success of this Select Committee is one step further towards that goal. Most aspects of this Bill have been covered by the Hon. Mr. Hill and the Hon. Mr. DeGaris, but there are one or two points to which I should like to draw attention. The main one is the fear of certain aspects of this Bill brought up by certain sections of the community. There is no doubt that the opportunity to appear and put before the Select Committee their cases has allayed many of these fears. I also say that many of these fears were not of

the Bill but of what was, perhaps erroneously, read into the Bill or, in some cases, what was not mentioned in the Bill.

For instance, local government was not mentioned in the original Bill, so naturally local government was worried that, if it was not mentioned, it could be excluded. A new clause 3 that has been added to the Bill by the Select Committee will do much to explain what the Government had in mind. If that had been there in the first place, perhaps some of the worries expressed would not have been expressed. Clause 3 sets out the object of the legislation and explains precisely what the whole setting up of a Health Commission is meant to do. I quote paragraph (*e*) of clause 3, which provides:

the continued participation of voluntary organisations and local government authorities in the provision of health care.

I do not believe that the Government ever intended to exclude local government, because it needs to make use of the local knowledge and expertise that local government has in this field, but it is a good thing to have it spelt out in the Bill.

The same thing applies to voluntary organisations. The Hon. Mr. DeGaris spoke fully about the involvement of voluntary organisations in the health and welfare services of South Australia. I also believe it would be foolish for any Government to do anything to jeopardise voluntary organisations. Their work is incalculable, not only in terms of money saved but in the sense of involvement. Unfortunately, the Hon. Mr. Foster has left the Chamber, but he seemed to think that voluntary or community involvement involved how much money was raised. I point out that it is more than money that is involved here: it is a sense of involvement by the community. I believe that involvement in itself is essential to total community health. Far from the Government overlooking voluntary organisations, I have some fear about an opposite situation (and this was mentioned in passing by the Hon. Mr. DeGaris) that, in setting up this monolithic organisation, the community could feel that there was nothing for it to do, that the Government would do it all, and voluntary organisations would cease. I hope that is not so. I fear that this can sometimes happen when a Government becomes too involved in local matters.

I am pleased to see in clause 18, which deals with the setting up of advisory committees, that the first advisory committee mentioned relates to voluntary participation by members of the community in the provision of health care. This, again, will allay some of the fears of the voluntary organisations when they see the importance the Government attaches to them by mentioning them first in this clause. We cannot overestimate the importance of the money raised, both in the past and in the future, by Meals on Wheels, the Royal District Nursing Society, the Flying Doctor Service, and St. John Ambulance, to mention just a few. It shows the important part that these voluntary organisations play in the health scheme in South Australia. Other fears expressed to me and to other honourable members came from hospitals that thought they would lose their autonomy on incorporation, in particular with regard to their own staffing.

The original Bill read that the senior executive members of all hospitals would be appointed by the commission. I am sure that that was not the Government's intention, and that is borne out by the fact clause 29 (3) has been altered now to provide that only senior executive officers of Government hospitals will be appointed by the commission. Clause 16 is another clause I wish to refer to briefly. This has been altered from the corresponding clause in the original Bill, which was clause 15. In the original Bill, clause 15 (1) provided:

The functions of the commission include the following—

and then it proceeded to set out paragraphs (*a*) to (*n*). Under paragraph (*l*), one of the functions of the commission was generally to promote the health and well-being of the people of this State. The alteration has been that this matter has now been afforded a little more importance because, after all, this matter in the paragraph I have just quoted is the whole purpose of the Bill, to do just that, to promote the health and well-being of the people of this State. The new Bill brings this to the head of the clause. This is a very small point but it is important that the main function of the Bill be given some priority.

My final point has been dealt with by two previous speakers, but it is important enough to be dealt with again; it concerns clause 39, which deals with rating for hospital purposes by local government. The Hospitals Department's proposed budget for the current financial year is $173 000 000. Evidence was given, I believe, before the Select Committee that the amount to be collected this year by the proposed 3 per cent levy would be about $1 900 000. That represents only 1·1 per cent of the total Hospitals Department budget, and it is a small sum. Anomalies have always existed in respect of rating for hospital purposes. We have had the Adelaide council contributing to hospitals, especially Royal Adelaide Hospital, which is used by people from all over the State, and the same position has applied in respect of Woodville council and Queen Elizabeth Hospital, Tea Tree Gully council and Modbury Hospital, and Port Lincoln council, which contributes to the compulsory levy for its hospital, which is used by people from all over Eyre Peninsula. The same position obtains in other areas.

I am not condemning the position, because there is no way to avoid the situation. If the amount collected by the levy comprised a substantial part of the department's revenue, we would have to accept that and overlook the anomalies to which I have just referred, but it does not represent a substantial part of the department's revenue.

The Hon. D. H. L. Banfield: It will represent the greatest amount of capital funds for individual hospitals.

The Hon. J. A. CARNIE: The Bill does not state that the sum raised by the levy is for capital funds.

The Hon. D. H. L. Banfield: That assurance has just been given.

The Hon. J. A. CARNIE: Capital funds are not referred to in the Bill, and the amount collected under the levy is a small amount compared to the department's total budget.

The Hon. D. H. L. Banfield: You ask individual hospitals if it is a large amount in relation to their capital works expenditure.

The Hon. J. A. CARNIE: But it is not a large amount in terms of the department's total budget. In his usual way, the Minister is drawing a complete red herring across the trail. I am referring to councils paying for hospital services. I have referred to the anomalies, and other speakers have referred to them also. Despite what the Minister has said, the funds obtained under the levy comprise only a small part of the department's revenue. Therefore, I will support any move to abolish the local government levy on hospitals. I support the second reading of the Bill.

The Hon. J. R. CORNWALL: It gives me great pleasure to support this Bill, because for many reasons I believe that much more can be done for community health care

at a State level than at the Federal level, and I believe firmly that a true concept of medicare can be best developed by the States. It is worth while briefly reviewing the history over a period of 30 years leading up to the Bill's introduction. I am indebted to Dr. Roder's summary of the relevant background information. In 1946 the South Australian House of Assembly appointed a Committee of Inquiry for Consolidating the Health Services of the State to study the advisability of merging health services into one department responsible to the Minister of Health. Some of the committee's conclusions were as follows:

(1) The organisation of health services had evolved on the basis of divergent authority and a lack of consolidation of statutory and administrative control. The organisation of health services did not comply with the current trends of comprehensive central control and the delegation of functions that can be administered efficiently in the regions.

This was in 1946. The conclusions continue:

(2) The performance of many local boards of health was limited in several respects and the amalgamation of some boards would enable the employment of staff with greater expertise. The administration of the Food and Drugs Act and the licensing of private hospitals and maternity and rest homes should be removed from local government and vested in the State.

(3) Health education was essential and should develop according to a long-term policy to educate the public from infancy onwards.

(4) Voluntary organisations had achieved significant success and should be encouraged further, but a more effective liaison with Government was appropriate in view of their increasing reliance on Government finance.

This is still in 1946. The conclusions continue:

Whilst arriving at these conclusions, the committee lacked adequate data to define the efficacy, efficiency and extent of health services.

In a rather strange choice of words the committee concluded:

There was an absence of proof that the various activities were so co-ordinated as to give an efficient health and medical service.

This Bill substantially implements most of the recommendations of the Bright report. I commend it to members for several reasons. First, it provides for participation by the community at large. The Hon. Mr. DeGaris should take note of this, and I can only conclude, after having listened to his remarks, that he did not read the Minister's second reading explanation, in which the Minister stated, referring to participation:

The object is to ensure, in terms of the health and well-being of the people of South Australia, the largest dividend possible from the total investment in health services. The achievement of this objective requires many things. Adequate data and information about the health and sickness status of the population, the utilisation of health services, and health manpower, among other things, are essential for planning the development of health services. Research is necessary to find better ways of delivering health services to the people. Health services need to be related closely and realistically to the health problems, needs, and wishes of the people; something which cannot happen fully without community participation in the running and development of their health services.

The Hon. R. C. DeGaris: What did I say that was contrary to that?

The Hon. J. R. CORNWALL: Almost everything the Leader said was contrary to that. I further strongly support the Bill because of the initiative it takes in terms of decentralising health care. Again, the Leader misinterpreted what the Bill is all about. In his explanation the Minister stated:

The powers of delegation in the Bill will allow the decentralisation of health services and possibly the establishment of regional health organisations. The aim here is to ensure that the administration and control of health services is located as close to the delivery point as possible. Perhaps the four most important commission functions are the development of broad health policies, the setting of standards, the allocation of resources, and health planning. In other words, hospitals, health centres, and other health organisations will have the autonomy necessary to manage their own day-to-day affairs.

That statement covers the third point that I raise. Arising from this point it logically follows that we will get a greater degree of efficiency—

The Hon. R. C. DeGaris: Will decentralisation produce greater efficiency?

The Hon. J. R. CORNWALL: We have heard constantly from the Leader's side about the centralised octopus. I have never argued at any time since I have been in this Chamber that we do not want a greater degree of regionalisation. To my thinking, the name of the game is regionalisation. There is no argument about that. Frankly, at present we have a Health Department which, although doing very good work, has grown up like Topsy: it is a hotch potch. This Bill will be a model for other States. The Hon. Mr. Hill said yesterday that we should examine the position in other States to see whether we can draw on their experience. So, perhaps we should examine a summary of a report of a committee of inquiry into hospital and health services in Victoria published on July 31, 1975. The committee was appointed in June, 1973, so it certainly did not rush into the matter.

The Hon. R. C. DeGaris: The South Australian Bill follows the New South Wales concept more than it follows the Victorian concept.

The Hon. J. R. CORNWALL: I would not have thought so. Among other things, the Victorian document deals with relationships within the Health Ministry, the question of an integrated health authority, and the Victorian Hospitals and Charities Commission. The document clearly says that the Hospitals and Charities Commission took the view that under its Act it was not obliged to give information to or to accept directions from the permanent head, and the Minister's powers in relation to the commission were limited in extent. It wanted its independence to be further extended by its conversion into a statutory corporation with power to acquire, hold and sell property of its own. Discussions on budgetary matters took place between the commission and the Treasury direct, without informing the permanent head, whose only official source of information would be the Minister himself.

The Mental Health Authority is in quite a different position from the Hospitals and Charities Commission. There is nothing in the Mental Health Act which requires the authority to accept Ministerial direction or to give information to or accept directions from the permanent head. The authority is, however, in the curious situation that it has no employees of its own and can act only through employees who are subject to the control of the permanent head. The committee's conclusions are as follows:

(*a*) (i) Under the Minister there is no one person or no one body of persons with clear and unchallenged responsibility for the provision of all the health services needed by the inhabitants of the State;

(ii) this situation should not continue;

(*b*) (i) liaison and the exchange of information between the H.C.C., the M.H.A. and the permanent head of the Health Department was not as good as it ought to be;

(ii) as an interim measure, the Minister should set up a liaison committee;

(*c*) (i) an integrated health authority is needed in Victoria which must consist of or include full-time health professionals who are

exposed to ideas and opinions from outside their field, i.e., a body of persons consisting partly of "insiders" and partly of "outsiders".

The following is a brief synopsis of the committee of inquiry's recommendations:

(*a*) All health activities should be taken over by a Health Commission.

(*b*) Subject to the Minister of Health, the commission should have responsibility for conducting and overseeing all health services in Victoria, whether preventative or curative—

The Hon. R. C. DeGaris: What was that word?

The Hon. J. R. CORNWALL: Preventative.

The Hon. R. C. DeGaris: There's no such word.

The Hon. J. R. CORNWALL: There is; it is in the *Concise Oxford dictionary*.

The Hon. R. C. DeGaris: No, it isn't.

The Hon. J. R. CORNWALL: It is. The inquiry committee's synopsis continues, beginning again at para (*b*):

(*b*) Subject to the Minister of Health, the commission should have responsibility for conducting and overseeing all health services in Victoria, whether preventative or curative, whether related to physical or mental illness, including the care of elderly people and of other persons with congenital or acquired handicaps.

(*c*) The Health Commission should include both full-time and part-time members. The part-time Commissioners should be chosen from people who have an interest in the health field and who are able to contribute outside knowledge and experience to a body which could become too inbred in its thinking (for this reason there should always be more part-time than full-time members on the commission).

The Hon. R. C. DeGaris: What did the Premier's think-tank recommend in South Australia?

The Hon. J. R. CORNWALL: I cannot follow what the Leader is referring to. The Bill closely follows the recommendations of the Bright report. This gives the complete lie to the Leader's suggestions about how the commission ought to be constituted. New South Wales rushed into establishing a health commission without giving the matter much thought, and that State finished up with something extraordinary. The New South Wales commission has five members who are individually responsible for the following services:

(*a*) The Chairman—Division of Health Services Research;

(*b*) The Commissioner for Personal Health Services—(maternal and child health; school health services; State hospitals; State psychiatric hospitals, mental health programmes);

(*c*) The Commissioner for Environmental and Special Health Services—(Divisions of Tuberculosis, Health Education, Occupational Health and Pollution Control, Epidemiology, Forensic Medicine, Dental Services and Administration of Private Hospitals Act);

(*d*) The Commissioner for Manpower and Management Services, who is Deputy Chairman—(staffing of all State health establishments);

(*e*) The Commissioner for Finance and Physical Resources—(funding and budgeting provisions of the Commission).

Other authorities concerned with health matters but which are not part of the Health Commission are:

(*a*) The Protective Commissioner of the Supreme Court who controls the estates of certain psychiatric patients;

(*b*) The New South Wales Ambulance Board;

(*c*) Boards for the registration of professions (chiropody, dental, medical, nursing, optometry, optical dispensing, pharmacy and physiotherapy);

(*d*) The Institute of Psychiatry;

(*e*) State Cancer Council;

(*f*) Various boards and committees (e.g. Advisory Board of Health, Poisons Advisory Committee, Air Pollution Advisory Committee).

So, that has very little in common, if anything, with this Bill.

The Hon. R. C. DeGaris: If you look at the application of the legislation as a whole, you will find that New South Wales is much closer to the system proposed here than is Victoria.

The Hon. J. R. CORNWALL: That is complete nonsense. The constitution of the board is entirely different.

The Hon. R. C. DeGaris: I am not talking about the constitution of the board.

The Hon. J. R. CORNWALL: Each Commissioner in New South Wales is responsible for a group of services, and each group is not integrated with other groups. The Queensland Minister of Health controls 28 departments and subdepartments. I seek leave to have the list of 28 departments and subdepartments inserted in *Hansard* without my reading it.

Leave granted.

DEPARTMENTS AND SUBDEPARTMENTS

Ambulance Services
Chief Office, Department of Health
Chiropodists' Board of Queensland
Dental Board of Queensland
Division of Geriatrics
Division of Industrial Medicine
Division of Maternal and Child Welfare
Division of Psychiatric Services
Division of Public Health Supervision
Division of School Health Services
Division of Tuberculosis
Division of Welfare and Guidance
Flying Surgeon
Government Chemical Laboratory
Hospital Boards (Regional)
Institute of Forensic Pathology
Laboratory of Microbiology and Pathology
Medical Board of Queensland
Nurses Board of Queensland
Optometrical Registration Board
Pharmacy Board
Physiotherapists Board of Queensland
Queensland Health Education Council
Queensland Institute of Medical Research
Queensland Radium Institute
Rockville Training Centre
Training Centres for Intellectually Handicapped (State controlled)
Wacol Rehabilitation Clinic (Inebriates Institution).

The Hon. J. R. CORNWALL: Western Australian State health services are administered by a Commissioner of Public Health, under the Health Act, 1911-1975. The Commissioner's responsibilities are wide-ranging. Under the Mental Health Act, 1962-1973, the treatment of mental disorders is administered, subject to the control of the Minister for Health, by the Director of Mental Health Services. The Director must be a psychiatrist and is appointed by the Governor. Institutions authorised by the Act include hospitals for the treatment of mental illness; reception homes; geriatric centres; and hostels and sheltered workshops. I point out that the treatment of the physically handicapped in Western Australia is regarded as related to mental health. What an enlightened attitude! The Hon. Mr. Hill also referred to the submission of the South Australian Council of Social Service concerning fears about the alleged abrogation of responsibility by Parliament in granting the commission such wide responsibilities without direct accountability to the Minister. As other honourable members have said, this matter is covered by clause 14, which provides:

In the exercise of its functions, the commission shall be subject to the general control and direction of the Minister.

The Hon. Mr. Hill said that local government wanted to increase its expenditure on health matters. Yesterday, the honourable member accused me of playing politics. I suggest that he is playing politics at the worst and lowest possible level. Only last week, when the Council was debating the Budget, honourable members were continually told that they had to be good housekeepers and take every possible action to keep down State taxes. When the Hon. Mr. Hill talks about the local government levy, he says that there is no reason why we could not, with a stroke of the pen, do away with it, as the levy involves the mere sum of $1 100 000. If he reads *Hansard*, the honourable member will find that that is substantially what he said. If we are to be good housekeepers and to be consistent, this is not the sort of thing on which we can embark lightly.

The Hon. A. M. WHYTE: I do not presume to know as much about health commissions as do the other honourable members who have already spoken. However, I have had some experience in local government and on a hospital board. I have also been associated with fund-raising activities that have contributed towards the construction of our local hospital, which, the Minister of Health would agree, is one of the nicest hospitals in the State. However, that is about as far as my knowledge goes regarding the intricate works associated with this Bill.

To my mind, there seems to be a complete change in the amount of power that is being granted to the central body under this Bill. Having seen the workings of local communities and the sums of money that have been subscribed voluntarily, I am concerned at this centralisation of control. His Honour Mr. Justice Bright was given the task of submitting a report on the rationalisation and co-ordination of health services in this State. It took that learned gentleman and all the assistance he could get two years to formulate that report. Apparently, it was not an easy task. It is hard for one to know whether he was able to achieve everything that was desired, or what is his own opinion of the report. After the Bright committee made its report, a Bill was introduced. However, the Bill was so far off the mark that it was referred to a Select Committee, as a result of which many alterations were made. It would be far from correct to say that all the recommendations in the Bright committee report have been embodied in the Bill.

Although I support the Bill, I will certainly try in Committee to delete clause 39. The reasons for this are simple. In this respect, I refer to the time when the then Minister of Health (Hon. A. J. Shard), having returned from an oversea trip, said that South Australia had the best health system, and that the Royal Adelaide Hospital was one of the most sophisticated and capable medical centres in the world. The Hon. Mr. Shard was extremely pleased with what we had achieved, and every honourable member in this place was in accord with what he said.

The Hon. M. B. Dawkins: That's not what the Hon. Mr. Cornwall described as a hotch-potch, is it?

The Hon. A. M. WHYTE: I think the honourable member was referring to New South Wales. However, I point out that just as big a hotch-potch could have occurred in relation to this Bill. The Hon. Mr. Shard, when he made the announcement to which I have referred, had no inkling that his Commonwealth Leader had designed one of the most disastrous medical systems that the world has seen. When that honourable gentleman introduced Medibank, he threw everything into utter confusion.

The Hon. N. K. Foster: What about Medibank?

The Hon. A. M. WHYTE: I do not wish to refer at length to Medibank. I shudder every time that I think about it.

The Hon. N. K. Foster: Ever since Fraser put his foot in it!

The Hon. A. M. WHYTE: Thank goodness he did. It was such a fiasco that, if someone had not taken measures to rectify it, there would have been an absolute disaster.

The Hon. J. E. Dunford: Why did the private funds increase their rates by 260 per cent?

The Hon. A. M. WHYTE: The private funds could have increased their rates even more and still have been under the Medibank rates.

The Hon. J. E. Dunford: It's still wrong, though.

The Hon. A. M. WHYTE: My reference to the Hon. Mr. Shard's announcement in this Parliament as well as to Medibank is related to clause 39. It can be contended that the ratepayer is already subscribing 2·5 per cent of his taxable income for Medibank, and this Bill wants him to subscribe 3 per cent of council rates as well.

The Hon. J. E. Dunford: That may be nothing at all: it may be 3 per cent of nothing.

The Hon. A. M. WHYTE: I am pleased that the honourable member is in the Chamber. I thought, when he made his interjection previously, that he looked like a man trying to open an ace pot with a pair of two's. I checked on what the honourable member said in his interjection, as I knew that he was bluffing. He referred to the contribution made by country people compared to that made by city dwellers. However, city people did not make a contribution at all until 1948, whereas the country people have had to subscribe between 3 per cent and 15 per cent (at an average of 6 per cent) since 1919. I say that for the benefit of the Hon. Mr. Dunford.

The Hon. J. E. Dunford: That's not what I meant. I meant that at present more money is paid by city people than by country people.

The Hon. A. M. WHYTE: But there are many more city people. The honourable member should talk about the pro rata situation.

The Hon. N. K. Foster: You should stop making divisions between country people and city people.

The Hon. A. M. WHYTE: That is what the Hon. Mr. Dunford does.

The Hon. N. K. Foster: No, he doesn't.

The Hon. A. M. WHYTE: The point is that we must all make a contribution. Under the present system, people make contributions to their local hospitals through their council. That fund can be left to accrue interest and, when they have sufficient money, the people concerned can appeal to the Minister for support for a certain project, which may then attract a subsidy. Although the Minister may or may not agree with that, under this system every council will be compelled to make a contribution of up to 3 per cent of its rate revenue; I would wager that it will not be less. The 3 per cent contribution goes straight to a fund, with no guarantee whatsoever where that fund will be distributed. That is the point that causes me the greatest concern. Before the Bill leaves this Council, I shall make every effort to have clause 39 deleted.

Clause 36 gives wide powers for the board of any incorporated hospital to make regulations dealing with the management of the hospital. The local board may say that it does not want the hospital incorporated, but I say here and now that there is no doubt that any hospital that refused to be incorporated would find it difficult to

regain its 3 per cent contribution. In this clause is the biggest attempt in the whole Bill centrally to control the whole of hospitalisation. No good purpose can possibly be served by too much regimentation or control.

There is no point, on the one hand, in saying, "We want voluntary assistance" (which intention appears throughout the second reading explanation, as a claim to induce the communities to participate voluntarily) and, on the other hand, in indulging in regimentation and saying, "Very well; we have your money—now you do as we say." I said when I rose to my feet that I did not profess to be an expert on health matters. I hope we can achieve legislation that will satisfy the requirements of the experts, who have been dealing with these matters for three years, and perhaps even further back to 1946 or 1948, when such a move was suggested. There is room for co-ordination but not for absolute centralised control, and I shall do my best in the Committee stage to put those two matters right.

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

ADJOURNMENT

At 6.13 p.m. the Council adjourned until Thursday, October 21, at 2.15 p.m.