

**LEGISLATIVE COUNCIL**

Thursday, November 4, 1976

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

**MARINE ACT AMENDMENT BILL**

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

**QUESTIONS****SOUTHERN DISTRICTS HOSPITAL**

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to addressing a question to the Minister of Health.

Leave granted.

The Hon. J. R. CORNWALL: Repeated comments and questions recently by the Hon. Mr. Hill have suggested that health services generally in the Christies Beach area are deficient. From private inquiries that I have made about the situation, this seems to amount to misrepresentation for political purposes.

The Hon. C. M. Hill: Do not give personal opinions in questions.

The Hon. J. R. CORNWALL: I was wondering whether the Minister could inform the Council of the present and proposed situations regarding health care in the Christies Beach area.

The Hon. D. H. L. BANFIELD: I agree with the Hon. Mr. Cornwall that the questions that have been asked by the Hon. Mr. Hill would tend to create the impression that nothing was being done for the people in the Christies Beach area in relation to—

The Hon. C. M. Hill: In relation to one hospital.

The Hon. D. H. L. BANFIELD: In relation to health services.

The Hon. C. M. Hill: Rubbish!

The Hon. D. H. L. BANFIELD: It is not rubbish at all. The Hon. Mr. Hill raised this matter, I think, in the Budget debate, and he has continually raised it, although he has continually received answers. In addition to the building of the Flinders Medical Centre about 15 kilometres nearer to Christies Beach than any other Government hospital, there has also been provided, at temporary premises at Christies Beach, a community health centre. The centre comprises two medical practitioners, namely, Drs. King and Laycock, who have been there since 1972 and 1973. We also have at the centre two community practice nurses working with the doctors. The first of these community nurses commenced work there in January, 1975, and the second in May, 1976. We also have had a psychologist working from the health centre as from August this year. The temporary centre was opened on August 12, 1976, and since then the services of a social worker have been added in August 1976; the Mothers and Babies' Health Association began in September, 1976, and Intellectually Retarded Services with access to psychologists and psychiatrists started in October, 1976. A chiroprapist recently started at the temporary centre as a private practitioner. To imply that no health services are provided for the people of Christies Beach is just not

fair and reasonable. True, although there is no hospital in the actual area, people from Christies Beach have access to good health services there.

**PRESIDENT'S RULING**

The Hon. N. K. FOSTER: With all due respect to the high office that you hold, Mr. President, I must direct a question to you regarding an answer that you furnished to this Chamber yesterday in response to a question that I directed to you after a ruling you gave in this Chamber in response to a point of order raised by the Hon. Mr. Blevins on the day before yesterday. You said, Sir, that a matter was too political. You will recall, Mr. President, that yesterday I directed a question to you in your capacity as President of this Council and sought a ruling from you about what areas in debate could be regarded as being too political. Your reply as it appears in the *Hansard* pulls states:

All I can say to the honourable member is that I do not propose to answer hypothetical questions. I will give rulings from time to time when I am called upon to do so. With the latter part of your reply I agree; you have always done that, but you, Sir, have not done it in response to the question I asked yesterday. Are you willing to inform the Council—what I have said is in no way a reflection (I note the sharp look on the Hon. Mr. Hill)—but this action is forced upon me as a member of this Council to extract additional guidance from the Chair. I want to know, Sir, in what manner you intend to restrict debate or reference to any political Party or any reference to a political Party's policy matters as stated in the media and elsewhere, because that was the tenor of the debate at the time the original point of order was raised by my colleague and that was the time when you, Sir, made your statement. In conclusion, Mr. President, I am sure that you are fully aware that this Council is comprised of men—

The Hon. Anne Levy: Not totally.

The Hon. N. K. FOSTER:—dedicated and pledged to political Parties.

The PRESIDENT: I must start by informing the honourable member, and all honourable members, that the remarks to which the Hon. Mr. Foster has alluded were nothing more than a comment by me at that time. Obviously, in this Council, we get political debate and we always will, but there are often non-political subjects that are discussed in a non-political way. I was not giving a ruling on that occasion: I was merely making a comment. If I remember correctly, I think my comment was that the debate was getting too political about something that should not have been a political subject. It was nothing more than a comment.

**LIBERAL PARTY POLICIES**

The Hon. N. K. FOSTER: I seek leave to make a short statement before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. N. K. FOSTER: Honourable members will recall that a few weeks ago the Hon. Mr. Hill was in full flight in this Chamber, consuming time on behalf of Opposition members and flying off in somewhat of a tirade about the wonderfully kept promises of Malcolm Fraser, the member for Wannon—I mean, the Prime Minister. I recall the Hon. Mr. Hill referring to about 30 promises

that had been kept, two promises that were in abeyance and two other promises about which we could expect a definite—

The Hon. C. M. Hill: There were 59 promises.

The Hon. N. K. FOSTER: I thank the honourable member for the correction. Is the Minister aware of the Premier's announcement in regard to a financial commitment by the State Government to certain rural interests in the Riverland area? Does the Minister recall that in his statement the Premier said that he had requested assurances from the Federal Minister for Primary Industry (Mr. Sinclair)? Is any concern being expressed at present by industries in the Riverland regarding the State Premier's commitment on behalf of the State, and what attitude is being displayed toward the Premier's request by the Federal Minister?

The Hon. B. A. CHATTERTON: The State Government has made money available to the Riverland cannery in the form of a loan, which was provided on a 50-50 basis with the Federal Government. As a State Government, we agreed to convert our portion of the loan to a grant, because it was obvious to us that the co-operative cannery in the Riverland could not repay the loan. To force it to repay the loan would have caused undue suffering to grower members of the co-operative. I was staggered to get a reply from Mr. Sinclair saying that the Federal Government would not look favourably on the conversion of its portion of the loan. It certainly disturbs me that the Federal Government should take this attitude toward the interests of the people in the Riverland. We have said that we will also be willing to give remissions of pay-roll tax to the cannery and other co-operative concerns in the fruit industry in the Riverland to assist them to improve their efficiency and rationalise their operations. The sort of attitude displayed by the Federal Government toward the plight of the people in the Riverland is incredible, and it shows that the Federal Government is completely out of touch with the suffering and hardship that is occurring to many people in the canning fruit industry at present.

The Hon. R. C. DeGARIS: Does the Government intend to give pay-roll tax remissions to any other industries in rural areas of South Australia, other than the Riverland?

The Hon. B. A. CHATTERTON: The Premier has made a statement on the question of pay-roll tax remissions. He has made plain the various areas where pay-roll tax remissions will be available to people in country areas of South Australia. I can obtain a copy of that statement for the Leader.

#### GUY FAWKES DAY

The Hon. ANNE LEVY: I have noticed that there is considerable activity in the basement of Parliament House at present, with a number of ancient documents and boxes cluttering up the corridors, and also a fair amount of scurrying about. Mr. President, is this activity in any way related to tomorrow's date? If it is, is the activity to protect us from or encourage a repetition of what happened 371 years ago on November 5?

The PRESIDENT: I am sorry to disappoint the honourable member, but the activity, as far as I understand it in this connection, is concerned with the shifting of the records of the Public Works Standing Committee.

#### JUVENILES

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Minister of Health, the Leader of the Government in this Council.

Leave granted.

The Hon. N. K. FOSTER: In this morning's *Advertiser*, we were again entertained with the spectacle of an announcement, under the signature, as it were, of the Leader of the Opposition in another place, Dr. Tonkin, going off half-cock, at half mast, what have you.

The PRESIDENT: Order! The honourable member must not reflect upon a member of another place.

The Hon. N. K. FOSTER: He was off in full flight into fancyland again, perhaps Disneyland, by saying that the Liberals had a short-term and a long-term policy in relation to the treatment of juvenile offenders, and he said that the younger members of the community should be fenced in and taken care of. I will not belabour the matter by going into a long speech about the inattention of not only the Leader of the Opposition but also probably members of that Party to what goes on in Parliament. Can the Minister tell the Council whether or not the South Australian State Government has instituted or already has plans, evident within the areas of community welfare, education and police organisations, for staffing many of the so-called improvements that the Leader of the Opposition referred to in the paper this morning? I am quite sure the Minister will be able to tell the Council that there are already in existence many measures which include most of what the Leader of the Opposition referred to and, in fact, which go beyond that in the interests of the community generally.

The Hon. D. H. L. BANFIELD: It appears that the Opposition drew up a policy plan overnight.

The Hon. C. M. Hill: It has been waiting in the drawer for some time.

The Hon. D. H. L. BANFIELD: This is most interesting: the honourable member says it has been waiting in the drawer for some time. That is why Dr. Tonkin, no doubt, has used figures over 12 months old to try to get the headlines in the newspaper; but things have been improved greatly. The plan has been in the desk so long that they were not prepared to bring it out; they had no opportunity to bring it out because something was already being done; so they seized on the figures in their new-found policy, figures that have been in the drawer for 12 months. They were not game to take the wraps off it, for by that time it was out of date by 12 months at least. So much for the new policy with which they grabbed the headlines in the paper. The fact that the story was incorrect by this date did not deter Dr. Tonkin in the slightest. The fact remains that Dr. Tonkin also said that the Police Force should be strengthened and maintained at an adequate level.

I point out to Dr. Tonkin that we already have the best Police Force in Australia, and the ratio of police to population compares more than favourably with the police force in any other State, including the Liberal States. The Police Department itself is satisfied that all its submissions for extra manpower have been granted. These new-found policies were going to put manpower into an area where the police have not even requested it. It was noticeable that, with these generalisations, Dr. Tonkin did not name any specific instance where the Government had refused a request from the Police Department for extra staff. Not only have we built up the force, but we have given it much better facilities and equipment. The services have been decentralised to country areas, and many

new police stations have been built in those areas. Communication facilities have been very greatly improved and, in areas such as "Tarta" telephone radio links for patrol cars, South Australia is leading the country. The Government has already greatly increased funding to voluntary counselling and support organisations. In the last financial year \$600 000 was given to voluntary organisations in the community welfare area, of which \$60 000 went directly to youth organisations. This financial year \$640 000 has been allocated, \$80 000 marked for youth organisations.

The Community Welfare Department is constantly seeking to improve the quality of its assessment facilities to help officers manage young offenders. The department holds regular training courses and is always seeking to improve the qualifications of its staff. The Government has already established weekend detention centres. This was done four years ago in 1972 when the Magill youth project was established and an integral part of the training and rehabilitation programme for offenders sent to the centre by the court is taking part in special projects to benefit the community. Was this a new policy which may catch up to ours in five years time if the Liberals maintain their line of programme? Since then two new centres have been set up for boys and girls between 8 and 15 years of age who have social and behavioural problems in school settings. Under the heading of long-term projects, the Premier said:

The State Government has improved facilities in primary schools to a very large degree since it was elected in 1970. Successive Liberal Governments had let education spending decline and our schools, particularly primary schools, were a disgrace. We have changed that to the point where South Australia now leads the States. In the next five years, 28 new primary schools will be built, 11 will be replaced or converted and another 13 will receive major upgrading work. The Government has consistently increased both teaching and support staff for all education facilities in South Australia and once again South Australia is in a favourable position compared with all the other States. The Government will certainly be continuing this policy but restrictions in education funds from the Federal Government will make it more difficult.

Of course, the Liberal Government, too, with make it more difficult, but members opposite have said, in the interests of cutting back inflation, let us cut back public spending, but, despite that, Dr. Tonkin has done nothing to improve the situation by getting more money in relation to education. The Premier said further:

The Government already provides specialised teachers in music, art and other fields for 107 primary schools on both part-time and full-time employment. Specialised music teachers teach selected children in 84 schools. Part-time and full-time specialised teachers are employed to teach English as a second language to migrant children in 147 primary schools. The Education Department already provides 58 guidance officers and 111 counsellors. The crisis care service and the community care service provide special counselling and services for children and families in potential crisis situations.

Under the heading of other policy measures, the Premier said:

The Government had already increased its support for the establishment of youth groups and the Education Department encouraged the use of school facilities after school hours for these activities. There is widespread use of school ovals and activity facilities in both metropolitan and country areas and out of school programmes have been financed by the Childhood Services Council at seven primary schools. The department has carried out a pilot project at three primary schools in which a staff member was made available to co-ordinate out of school activities. This has proved extremely successful. The existing youth organisations are getting increased subsidies and support. The Police Department has a vigorous policy of telling the community what it is doing and it has concentrated

especially on youth centres and primary schools. The facilities for general family counselling in South Australia are by far superior to that of any other State and the Government strongly supports the present system of both services provided by the Department of Community Welfare and voluntary organisations. The amount of money we have made available to voluntary organisations proves our intentions.

This also proves the point I made about the statement made by the Hon. Mr. Hill (by way of interjection) when he said they had had it in the drawer for over 12 months, which showed that their policy is already about six years behind the times.

The Hon. C. M. HILL: I wondered whether the Chief Secretary could give any actual figures which he has just claimed were quoted by David Tonkin yesterday and which are 12 months old.

The Hon. D. H. L. BANFIELD: It was not I who said they were 12 months old; it was the Hon. Mr. Hill. Perhaps he may tell us what has been in the drawer for 12 months. He told me the policy had been in the drawer for 12 months.

The Hon. N. K. FOSTER: I direct a question to the Leader of the Opposition, if he will accept it, but before asking the question I should like to get an indication from the honourable gentleman whether he will consider answering any questions put to him from this side. He has a right of refusal, of course.

The PRESIDENT: I do not know how he can possibly answer that.

The Hon. N. K. Foster: I am taking a leaf out of the Liberals' book.

The PRESIDENT: I do not know whether the Hon. Mr. DeGaris wants to answer the question.

The Hon. R. C. DeGARIS: I am going to ask a question, Mr. President. My question is directed to the Chief Secretary, and I ask leave to make a brief explanation before directing that question.

Leave granted.

The Hon. R. C. DeGARIS: It is clearly obvious from the lengthy reply given by the Chief Secretary that the question directed by the Hon. Mr. Foster has been touching the Government on a raw spot. I was interested in what the Chief Secretary said. I ask him whether the Government can give a satisfactory explanation, following all this excellent work that it is doing, for the serious increase in the crime rate in the under-14 and under-18 age groups in South Australia.

The Hon. D. H. L. BANFIELD: I assume that this occurred before some of the activities that we have stepped up recently have taken place. Of course, we have more 14-year-old people in the community now than we had a few years ago and we have found it necessary to step up education in this area. We hope that, as a result, there will not be an increase in the rate.

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Leader of the Opposition.

Leave granted.

The Hon. N. K. FOSTER: Doubtless, the honourable gentleman has seen press reports regarding the attitude that still exists in the Liberal Party and the National Country Party in the Federal Parliament regarding the rights of people in the Senate to group themselves and, on money Bills, to take certain rights that are beyond their constitutional power. Has the honourable gentleman influenced those Senators because of his remarks in the electronic media in South Australia that he would consider withholding Supply in a State Budget? Is it true that his name has been linked with a rumour that two South Australian Senators have joined this rebel group? Can the honourable

gentleman assure this Council that he considers that neither he nor his Party has the right that his colleagues in the Federal Parliament consider they have?

The PRESIDENT: I do not think that that is a public matter connected with the business of this Chamber.

The Hon. R. C. DeGARIS: I have no knowledge of the matters to which the Hon. Mr. Foster has referred.

The Hon. N. K. FOSTER: I seek leave to make a statement prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. N. K. FOSTER: Questions previously asked of the Chief Secretary were asked as a result of press statements of which Dr. Tonkin was so critical at the Liberal Party conference last week-end. He referred to the *Advertiser* as "Don's Daily". Regarding the replies that the Chief Secretary has given on the specific matters that have been raised falsely by the Opposition, I ask the Chief Secretary whether it is his opinion that the Federal Liberal Government and certain State Governments, through a deliberate unemployment policy, are forcing the figures higher and higher for each statistical period. It is this area that is causing so much concern to those in both Government and private organisations dealing with community welfare. Does the Minister consider that one of the most damaging factors affecting the crime rate is brought about by the frustrating and cruel attitude of work denial adopted by the present Liberal Party and National Country Party Government in Canberra?

The Hon. D. H. L. BANFIELD: It is unfortunate that there is a high level of unemployment amongst the young people of this State, and doubtless unemployment brings about frustration on the part of people who try to get employment and knock on door after door. They become frustrated and many may go in congregations for the same job. Doubtless, when young people are frustrated, they may be led into doing things that they normally would not do, and this may be one reason why there is an increase in the crime rate. It is most unfortunate that no provision is made to see that school-leavers have a job to go to. Nothing has been done about that matter at this stage.

The Hon. R. C. DeGARIS: I should like to direct a question to the Chief Secretary. Regarding the crime rate in the under-14 and under-18 age groups for the year ended June 30, 1976, is it not a fact that in that period the question of unemployment was largely a matter for the previous Federal Government? Further, can the Chief Secretary outline the out-of-school activities the Government is establishing; and, finally, what counselling services has the Government established as extra counselling services in the past six months?

The Hon. D. H. L. BANFIELD: I do not have the details.

The Hon. R. C. DeGARIS: You quoted them a moment ago.

The Hon. D. H. L. BANFIELD: The Leader asked me about specific services that have been established. I gave the figures but I do not have the specific information concerning where the counselling services—

The Hon. R. C. DeGARIS: If you want to have a Dorothy Dixier asked, you should make sure you have the facts.

The Hon. D. H. L. BANFIELD: The honourable Leader has asked me for the specific services that have been made available, and I am undertaking to get that report for him.

## WHEAT QUOTAS

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

Leave granted.

The Hon. A. M. WHYTE: The Minister probably would be aware that the Pastoralists and Graziers Association of Western Australia has submitted a request to the Minister for Primary Industry for repeal of the wheat quota legislation. Since each State has complementary legislation dealing with quotas for wheat, I ask the Minister whether there has been any discussion with his department or any request by organisations in this State and, if there has been, what is the attitude of this State Government to the repeal of the wheat quota legislation.

The Hon. B. A. CHATTERTON: I was not aware that the Western Australian farmers had approached the Federal Government for the repeal of the wheat quota legislation. There have not been any approaches to me for repeal of any wheat quota legislation in South Australia, nor has there been any discussion by the Agricultural Council of repeal of the legislation. The normal course would be for the council to discuss the matter, on the basis that the Federal and State Governments are represented at that conference. The situation in South Australia is that we have simplified the records regarding wheat quotas in this State so that we do not incur any additional cost in that area. It seems to me that it is easy to keep the system going without having a quota established each year and keeping the necessary records so that, if we do require quotas at any future date, the information will be available. While producers are not left facing any extra costs, I cannot see any reason why we should not continue the system that we have now but, if producers have alternative suggestions to make to me, I am willing to listen to their submissions.

## LICENSING 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.*

I commend the Bill to honourable members, and seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

## EXPLANATION OF BILL

It makes a number of important amendments to the Licensing Act. An important aspect of the amendments consists in a reorganisation of the Licensing Court. As members are no doubt aware, the Licensing Court, when it sits to deal with new applications for licences, must be constituted of a judge and two licensing magistrates. The Government felt that a court so constituted was necessary to deal with the very substantial reorganisation of the liquor industry that took place following the new Licensing Act that was passed in 1967.

However, it believes that, now that the reorganisation has been substantially completed, the existence of a Licensing Court constituted of three judicial members is

now no longer warranted, at any rate for ordinary day-to-day business. The Bill therefore proposes that the court should normally be constituted simply of a single member of the court. The Full Bench of the court continues to exist under the terms of the Bill but it will normally be called together only for the purpose of hearing appeals from a magistrate sitting alone or for the purpose of determining a special case referred by a single member of the court to the Full Bench.

The Bill provides for the appointment of magistrates to the Licensing Court. These magistrates will be specifically appointed for the purpose of Licensing Court work and are to be distinguished from special magistrates who will normally not sit in the Licensing Court but will be called in possibly as members of the Full Bench or to assist the court at those times of the year when its business is particularly heavy. The Bill also provides that the clerk of the court may exercise the jurisdiction of the court in certain routine matters. For example, the court issues a great number of permits in each year. Applications for these permits do not normally involve contentious matters and there seems no reason why non-contentious applications should not be dealt with by the clerk of the court. The Bill contains a provision relieving the court from compliance with the strict rules of evidence. The Government believes that this is an appropriate provision, because the court is very largely an administrative tribunal which should not be bound to require strict judicial proof.

Another major feature of the Bill is the relaxation of trading hours in certain cases. In future there will be no limitation on the hours during which a hotel may carry on its dining-room trade, that is to say, upon the hours during which liquor may be supplied with or ancillary to a *bona fide* meal in those parts of the premises designated as a dining-room. Corresponding amendments are made in relation to motels and restaurants. The hours during which a hotel may carry on its bar-room trade on weekdays are extended to 12 midnight. The obligatory hours during which a hotel must be open for the sale of liquor are rendered uniform by the Bill. In future, a hotel will be required to be opened between the hours of 11 a.m. and 8 p.m. on every day except a Sunday, Christmas Day and Good Friday.

Amendments are made providing that the holder of a vigneron's licence or a distiller's storekeeper's licence may sell liquor in pursuance of the licence at any time on any day. An amendment is made to the provisions of the Act dealing with club licences providing that the hours during which the licence authorises the sale of liquor shall be such as are fixed by the court on the application of the club. The existing limit of 78 hours a week has been removed. The provisions relating to packet licences and packet certificates are consolidated in a new provision which provides simply for issuing of packet licences.

The Bill deals with the provisions of the principal Act relating to the holding of licences by companies. For some time the Government has been concerned by the fact that licences can be effectively transferred from company to company by means of company take-over, rather than in accordance with the normal procedures of the Licensing Court. The effect of the Bill is to provide that no change in the directorship of a company which holds a licence under the Licensing Act, and no change in the membership of a proprietary company or a public company that is not listed on the Stock Exchange is to take place without the approval of the Licensing Court.

An amendment is made to the definition of "public entertainment" for the purposes of the Licensing Act. This

amendment is directed primarily at discotheques. It will ensure that the safety of those who participate in this form of entertainment is adequately protected. This Bill makes important changes to the principal Act in relation to the sale or supply of liquor to under-age persons. It provides that any person under the age of 18 years who enters a hotel bar-room is guilty of an offence. The provision will not apply, however, in the case of an excepted person or in circumstances removed from the application of the provision by regulation. The Bill deals with the obligation of licensees to provide lodging and meals. The holder of a full publican's licence or limited publican's licence will in future be obliged to supply breakfast only to a *bona fide* lodger. The holders of restaurant licences and limited publicans' licences are relieved from the obligation to supply lunch. In addition, an existing provision under which the court may limit the obligation of a restaurateur to supply dinner is retained.

Clauses 1 and 2 are formal, and clause 3 makes a drafting amendment to the principal Act. Clause 4 deals with the membership of the court. It provides that the members of the court shall consist of (a) the Licensing Court judge; (b) special magistrates designated by the Governor as members of the Licensing Court; and (c) Licensing Court magistrates appointed specially to the court under section 5.

Clause 5 deals with the constitution of the court. It provides that the court must be constituted of the Full Bench for the purpose of hearing special cases referred to it by a single member of the court or for the purpose of hearing appeals of magistrates sitting alone. Otherwise, the court may be constituted of the judge, or a magistrate, sitting alone. New section 6a empowers the clerk to exercise the jurisdiction of the court in certain routine matters. New section 6b provides that the court is not to be bound by the strict rules of evidence and new section 6c empowers the judge of the court to make rules of court.

Clause 6 makes a consequential amendment to the principal Act, and clause 7 amends section 9 of the principal Act which deals with appeals to the Supreme Court. The amendments provide that, where a matter has been determined by the Full Bench of the court, or by the judge or an acting judge of the court, an appeal shall lie to the Full Bench of the Supreme Court on a question of law. Clause 8 makes consequential amendments. Clause 9 amends the trading hours applicable to a full publican's licence. The holder of the licence is authorised to open between the hours of 5 a.m. and 12 midnight on any day (except Sunday, Christmas Day or Good Friday). The hours during which he may carry on dining room trade are unrestricted; the obligatory hours during which he must open are 11 a.m. to 8 p.m. on any day except a Sunday, Christmas Day or Good Friday.

Clause 10 repeals and re-enacts section 20 of the principal Act. The new section contains no restrictions upon the hours during which the holder of the licence may supply liquor to *bona fide* lodgers, or to persons consuming *bona fide* meals in a dining room. Clause 11 amends section 23 of the principal Act which relates to wine licences. The present provision providing for a pool of wine licences is removed. No new wine licence is to be granted except in an area of the State in which wine is produced or in respect of a genuine museum or art gallery. Clause 12 repeals and re-enacts section 25 of the principal Act. The purpose of the re-enactment is to remove restrictions upon the hours during which liquor may be sold or disposed of in pursuance of a distiller's storekeeper's licence. Clause 13 removes restrictions upon the hours

during which liquor may be sold or supplied in pursuance of a vigneron's licence and clause 14 provides that the court may tailor the hours during which liquor may be supplied to a club licence to suit the requirements of the particular club and removes the existing limit of 78 hours a week.

Clause 15 repeals and re-enacts the provision of the principal Act relating to packet licences. The new section enables the court to specify the terms upon which liquor may be sold or supplied in pursuance of the licence. In addition, it provides that a packet certificate granted under the principal Act before the commencement of the new amendments will be deemed to be a packet licence. Clause 16 amends section 31 of the principal Act which deals with restaurant licences. The amendments remove any restriction upon the hours during which liquor may be supplied for consumption with or ancillary to *bona fide* meals. Clause 17 provides that a person who applies for a 20-litre licence must advertise his application, and clause 18 makes a consequential amendment to the principal Act.

Clause 19 provides for the fee for a booth certificate to be prescribed by the rules of the court. It provides that application for a booth certificate must be made 14 clear days before the day for which the certificate is sought. Clause 20 provides that a fee fixed by the rules of court will be payable for a permit under section 66 of the principal Act. Clause 21 repeals the provisions of the principal Act that deal with packet certificates. Clause 22 amends section 82 of the principal Act. This section deals with the holding of licences by companies. It provides for the court to approve changes of membership in companies that hold licences under the principal Act.

Clause 23 makes a consequential amendment to the principal Act and clause 24 deals with entertainment permits. It provides that the fee for such a permit will be fixed in future by a rule of court. It removes an existing restriction on the meaning of "public entertainment". Clause 25 amends section 153 of the principal Act. The amendments make it an offence for a person under the age of 18 years to enter a bar-room in a hotel. However, certain exceptions to this provision may be prescribed. Clause 26 deals with the hours during which the holder of a full publican's licence, limited publican's licence or restaurant licence must supply meals.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

#### SOUTH AUSTRALIAN HEALTH COMMISSION BILL

In Committee.

(Continued from November 3. Page 1861.)

Clauses 43 to 65 passed.

Clause 8—"Constitution of commission"—reconsidered.

The Hon. C. M. HILL: I move:

Page 4, line 24—Leave out paragraph (b) and insert paragraph as follows:

(b) five part-time members of whom—

- (i) one shall be chosen from a panel of three nominees submitted by the Australian Medical Association (South Australian Branch) Incorporated;
- (ii) one shall be chosen from a panel of three nominees submitted by the Royal Australian Nursing Federation (South Australian Branch) Incorporated;
- (iii) one shall be chosen from a panel of three nominees submitted by the Local Government Association of South Australia;

(iv) one shall be chosen from a panel of three nominees submitted by the South Australian Council of Social Service Incorporated;

(v) one shall be chosen from a panel of three names submitted by the South Australian Hospitals Association.

This amendment concerns the composition of the commission. I have already stressed my concern, as a result of representations made to me over the last year by many people concerned with health delivery services in South Australia, about who will be selected as members of the commission, and the need for an assurance within the legislation that persons with expertise or representing specific areas of health care and health delivery throughout South Australia will be specified. I am trying to reflect that concern in this amendment by incorporating in this Bill the need for the Government of the day to act within its provisions and appoint members of the commission from various sectors of the total health community. My amendment does not touch upon the three full-time commission members, but I have tried to see that the five part-time commission members are selected from names submitted from five important groups in the health area.

I stress that the best legislation that can be passed by this Committee will be legislation that will provide some checks and balances to ensure that some commission members are appointed from names submitted from the ranks of representative bodies. Of course, the Minister has the right to make a final choice from the persons nominated. Such checks and balances will improve the Bill. The new commission will be a vast controlling organisation; in the past financial year about \$250 000 000 was spent in this area, and that sum must escalate in the future. Apart from the financial aspect, honourable members know of the huge organisation involved in health care, including many instrumentalities and community services that will be under the control of the proposed commission.

The new commission is indisputably a vast organisation in the public sector of South Australia. Therefore, establishing the best possible decision-making body is a very important responsibility for Parliament. I am not quibbling about who the three principal members will be; I say "principal" because they will no doubt be executive men, since they will be full time. They will be, so to speak, on the board of directors as well as being working directors within the organisation. When departments go out of existence and a new form of organisation is established, senior officers, who have been dedicated men and who have proved their worth in the departments that are abolished, must be given every consideration for full-time positions on such a controlling body; but we are breaking new ground in connection with the appointment of part-time members.

I hasten to say that the present Minister will not be in his position for all time, but this legislation will be on the Statute Book probably for all time; at any rate, until it is repealed. Whoever the Minister of the day is, he will have the opportunity to appoint part-time members. In the past, some appointments of part-time men to public authorities have not been very good, and such appointments have been questioned very seriously by the public. In such circumstances, the real damage occurs on the board involved: the person in question does not contribute as he should to the progress of the board; he becomes easily overruled in his opinion; and the whole system breaks down. Therefore, the Minister should not object to some guidelines in connection with the appointment of part-time commissioners. I can understand that the Minister would object if Parliament tried to bind him

too tightly in connection with the appointments, but I am not seeking to do that. I have allowed for some flexibility: from the three names submitted, the Minister can make his choice.

A strong case can be made out on behalf of sectional interests for representation on the controlling body. The Minister could possibly appoint people who have no connection at all with the five sections referred to in my amendment. If the Minister made appointments to the controlling body and did not select a person who was involved with any of those five sections, he would be making a very unwise choice, and I do not think we should leave that possibility open. I am not suggesting that the present Minister would consciously avoid sections of the type referred to, but I repeat that he will not be the Minister for all time.

If the Committee accepts the general principle that people from these sections ought to be represented, honourable members should go one step further and ensure that these sections have the opportunity to submit names to the Minister for his consideration. Such a plan would be clear evidence of the respect that the Minister and the Government have for these bodies. It is no good simply playing with words and saying that one has respect for them: one has to convert words into action, and the way to do so is to accept my amendment. None of these sections would have any overruling powers: each section would have one vote out of eight votes. Each representative would simply bring the opinion of his group into the commission.

There are many precedents in legislation where Parliament turns to associations such as the Local Government Association and seeks to give them representation by this kind of method. In principle, this method is proper, and it leads to good legislation. Questions may arise as to whether or not these five sections are big enough, influential enough, and involved enough in health delivery to warrant consideration of this kind. Taking the Australian Medical Association first, that association's responsible involvement in the provision of health care and delivery warrants its being considered to have the clear right to have a representative on this commission.

The next group I have submitted is the Royal Australian Nursing Federation. I understand it is an extremely influential federation in the nursing profession and that its present membership is about 4 000; in fact, I have been given the figure of 3 986. As regards its sole rights of membership in the various institutions, the large percentage of its membership is in Government general hospitals, and the role that it plays in the profession is such as to warrant its consideration.

Also, in the Bright report, nursing is specifically laid down as one of the criteria, when the Bright committee dealt with the criteria for representation on the commission. I recall that in a report made in Victoria in 1975 on this matter, which was spoken of by at least one of the leading witnesses before the Select Committee in another place on this measure, it was specifically stated:

It is desirable that one of the commissioners—  
they were dealing with a commission—  
either full-time or part-time should be a member of the nursing profession.

So a strong case can be made out for the Royal Australian Nursing Federation being given the opportunity to submit three names to the Minister so that the Minister can select one of those three to be a member of this eight-member commission.

I am seeking also to have the Local Government Association represented on this commission. There has been much debate on this measure about the hope for expansion by local government in the provision of health services at local and community levels in the future. I firmly believe that local government in the future will play a much greater role in this area than it has done in the past, not only because of strictures upon its functions, which have been restricted and which should be expanded, but also because of specific financial restrictions.

Reflecting the value of local government is a submission I have received from the Northern Metropolitan Regional Organisation, which includes Elizabeth, Gawler, Munno Para, Salisbury, and Tea Tree Gully. Those areas are all to the north of this city. In its submission it says:

It was the attitude of local government in this region that, if a Health Commission was to be created, then there should be a specific provision to ensure the involvement of local government, both at the level of policy-making (by representation on the commission) and at the level of service delivery (by defining the local government role in detailed terms).

The level of policy-making on this commission is the commission itself, the organisation now under debate, and this Northern Metropolitan Regional Organisation states quite clearly, on behalf of the member councils, that they should be represented on the policy-making body. If a referendum was taken right across South Australia in local government on this matter, there would be a resounding voice seeking that representation. If the Government respects local government, as I hope it does, and acknowledges that local government plays an important role in the delivery of health services in the community, in the council areas at local level, I believe the Minister should agree to representation from local government on this commission.

The fourth group is the South Australian Council of Social Service Incorporated. It may be argued that this is not strictly a health or medical group, but I am sure the Minister will agree with me when I say that social welfare and social services are becoming more and more intertwined and interwoven with the delivery of health services. It is a continuing trend, which we must acknowledge. It is a trend that in time will bring social welfare and social services generally much closer to health delivery than has been the case in the past.

These people represent a wide spectrum of groups within society. I do not want to burden honourable members by reading out the whole list I have in front of me of their organisation members, but I may mention a few to give some idea of the widespread involvement of this body. Some of them are: Adelaide Children's Hospital (Inc.), Association of Child Care Centres, the Asthma Foundation of S.A. Inc., Australian Birthright Movement, Catholic Blind Association of S.A., Crippled Children's Association of S.A., Inc., Family Planning Association, the Florence Nightingale Committee of Australia (S.A. Branch), Helping Hand Centre, Inc., Mothers and Babies' Health Association Inc., Royal Flying Doctor Service of Australia, South Australian Oral School Inc., and the Specific Learning Difficulties Association of South Australia. These names are taken at random. I believe, from representations that these people have made to me and from my knowledge of this group, that the Government should give these people a voice on the controlling body, the commission.

The last group which I think should be represented is the South Australian Hospitals Association, which represents 56 country hospitals which have been the subsidised



hospitals, as we have known them so far. The number of beds in the member hospitals of this association is 1 991. The approximate staff involved with this association is 2 200. We gain some idea of the comparative size of the aggregation of these hospitals when we realise that the number of beds at the Royal Adelaide Hospital and the Queen Elizabeth Hospital are 1 156 and 670, respectively. A number of member hospitals also run domiciliary care services from their hospitals, and many of them are involved with the supply of meals for Meals on Wheels.

There is another reason for the representation of this association, and that is that fears have been expressed by people representing these hospitals, many of which are in far-flung areas of the State, that with the new approach to regionalism, as the Government envisages it to be, some of them will not have their voice heard at the level of decision-making and policy-making, as a hospital should. A fear exists that the ideals that lie behind this measure (the ideals of regionalism, and rationalisation, and the ideal of autonomy to these hospitals in the far-flung areas) will not be realised. One can understand that because, after all, this legislation is largely enabling legislation: it is not fully detailed legislation laying down how every hospital and every authority delivering health care shall operate, and much of the detail is still to be assessed and decided upon when the commission is set up. In the general approach to enabling legislation there is always a fear by the small operations (and I say "small", because I compare these hospitals and institutions with the vast hospitals in the metropolitan area) that this kind of Big Brother relationship might well develop.

Of course, whilst it is not in any way the aim of the authorities who are the architects of this Bill, there are not legislative restrictions in the Bill to stop some of those trends. A great deal of trust is involved in this Bill, and I am not criticising that approach; indeed, I have a great deal of trust in those who are the architects of this Bill. But when I hear these fears expressed by people, and when I see the opportunity to have a representative of their association at the very top on a board of eight which controls this proposed commission, then it is my duty to do everything in my power to try to put one of their representatives on that commission.

I trust that the Government will look upon this proposal most favourably. I am sure the Minister must agree that it is not placing a very great interference or restriction upon him or upon his plans for this commission. It is not interfering with the top three senior appointments that he must officially make if the Bill is finally proclaimed. It is simply saying that each of the five part-time members ought to represent a major section coming within the overall health umbrella.

The Hon. D. H. L. BANFIELD (Minister of Health): The honourable member has made out a good case for each one of these organisations. However, there is a wide area of people who are not represented, and there are some noteworthy omissions. For example, no provision is made in this regard for the academic or teaching areas, or for the paramedical group. Somebody is going to be disappointed. If one starts nominating people from each group, and we are confined to only five groups, it does not necessarily mean that any one of the three nominated by a particular group is the best person for the job.

Regarding the Australian Medical Association for example, to my mind there is no doubt that the President, because of his prominence and the desire not to offend him, would be given a guernsey. The next one might be the Treasurer,

but any one of the three nominees from the A.M.A. need not necessarily be the best man to be on the commission. However, all the bodies nominated by the Hon. Mr. Hill are worthy bodies, and the Government wants to work closely with them.

Regarding nurses' representation, what is wrong with having nominees from the Public Service Association or Australian Government Workers' Association? Why do we specify the South Australian Branch of the Royal Australian Nursing Federation? As regards choosing one nominee from a panel of three from the Local Government Association, again I say that we want to work in with local government and want it to be represented on hospital boards and regional committees, but we do not want to be restricted, although I am not saying that a person interested in local government will not be appointed.

Not all councils are affiliated with the association: some are outside it. What about representatives from people outside local government? It is true to say that the Victorian report stated that nurses should be represented on the commission, but it did not say that they should be nominated from the Nursing Federation. This same argument must apply to the five groups suggested by the Hon. Mr. Hill. All are worthy bodies and all are people to whom we may look to advise us as to a suitable person.

There are a number of noteworthy omissions, whose inclusion is equally as important to the distribution of health services as that of anybody else or any one of the five organisations mentioned. I assure members opposite that with the people concerned we have the best representation possible. The Bright report was against having people on the commission who were nominated from various groups. I ask members opposite not to restrict the part-time members membership to these five bodies, because there may well be another five bodies as hostile as these five are happy. Let the commission represent a much wider area than that suggested by the Hon. Mr. Hill.

The Hon. M. B. DAWKINS: I commend my friend and colleague the Hon. Mr. Hill for the work that he has done on this amendment. I know that he has given the matter much thought, and he has made out a good case. However, I accept, with reluctance, what the Government says should be the position as to the size of the commission. In my second reading speech, I stated that five members would be an ideal number, and I still believe that, but I accept with reluctance that the number should be eight. I regret that I must disagree with the Hon. Mr. Hill on his amendment. On this occasion I am in agreement with the Minister, because I feel that, in restricting the representation on the commission regarding the part-time members to these various bodies, the best possible commission will not necessarily be established.

I had intended to enumerate several other organisations that I also considered were worthy of representation if we were to have representation from organisations, but the Minister has already done that. Other bodies would clamour for representation if the members were selected on these lines. I believe that the members should be selected on the basis of expertise and that the best possible people should be appointed as members. I regret that I cannot support my friend the Hon. Mr. Hill, but I feel that the Minister should not be restricted by having to appoint people because they belong to an organisation, however worthy the organisation or the people concerned may be. The selection should be made from a field that is as wide as possible so that the Minister would get the best possible expertise in the medical, health care, and health administration fields.



The Hon. R. A. GEDDES: Health services in this State have been amongst the best in Australia and I do not want to see them deteriorate. I do not think that a health commission can afford to have amateurs administering the health services. I see the argument that organisations should have representation and that the names should be submitted to the Minister. However, I consider there is no alternative but for the commission, which will continue to deal with health problems and associated services for many years, to be chosen from people with expertise.

Much as some of us, because of our political thinking, wish that it was not the Minister's responsibility to choose, the fact remains that the Minister, whether it be the Hon. Mr. Banfield or someone else, will know that the commission must work efficiently. One cannot help thinking of the chain of command in the Army, in a Parliament, or in a Government. In a Government there is a Premier or Leader of the Government and there is a Cabinet. It is the responsibility of Cabinet to adjudicate and that of the Leader of the Government to make things work. That is similar to what is contemplated in the Bill. I indicate that, on those grounds, I will vote against the amendment.

The Hon. C. M. HILL: I am surprised and disappointed to hear my colleagues oppose the amendment. The Hon. Mr. Geddes said that he did not want amateurs appointed. It was my intention to avoid such a situation. Is it assumed that the nominee of the Australian Medical Association will be an amateur?

I am extremely disappointed about how the Minister has spoken of that organisation. He did not say it, but, naturally, when he asked the association to submit names, he would tell the association whether the commission would meet one afternoon a week, one afternoon a fortnight, or some other time.

The association would not necessarily select the President and two Vice Presidents as their nominees. I am sure that the association would submit three names of people who could provide expertise, an adequate voice of the association, and the time to do the job. The Minister made much of the fact of there being many other organisations involved.

I acknowledge that there are not only the groups that have been mentioned. An immense number of organisations of all kinds comes into this ambit. It is easy for the Minister to say that he will not accept representatives from five associations because too much pressure would be applied by other bodies. I have selected five representative organisations and the Minister cannot cavil at the standing of the A.M.A.

The Minister rebutted my suggestion about the nursing profession, and said that not all nurses belong to the Royal Australian Nursing Federation. However, only one-seventh of the State's nursing staff is ineligible for membership of that organisation, which has sole membership rights for all private and community hospitals, subsidised hospitals, institutions such as Adelaide Children's Hospital, Queen Victoria Hospital, Home for Incurables, Lyell McEwin Hospital, nursing homes and institutions such as Royal District Nursing Society, Mothers and Babies' Health Association, and the like.

What better organisation could we turn to for a representative from the nursing profession? It would submit three names and the Minister would have the final choice. The Minister asks how could he be sure that a member of the nursing profession would be nominated. That is just rubbish. The Minister touched on the academic

and teaching services. Surely the three permanent commission members can act for such areas. True, I have not covered paramedical groups, but again the permanent members of the commission should be able to speak for them.

The Minister said that the Bright committee did not recommend the representation of sectional interests on the commission. True, but not all its recommendations were accepted, anyway. It did not recommend the appointment of permanent members: it recommended the appointment of five part-time members. The number was not "immutable". The committee recommended the retention of the Director-General in his existing staff structure and created a range of directors under him. Therefore, it is not justified to use the Bright recommendations to rebut that point when the recommendations are not being fully followed.

The five groups to which I have referred are entitled to representation and, if the Committee rejects this amendment, these groups will not be assured of representation at the top where decisions are made. That will be unfortunate. Who has the Minister in mind to take up these positions? What assurance have we that they will not be amateurs? Who will take up the part-time positions? How can we be sure that they will be capable of carrying out their functions? How can we be sure that they will not override the wishes of the permanent commission members? What would be the position if in the first 12 months the commission did not operate at the ideal expected? Surely the Committee is entitled to know who the Minister has in mind? What will be the criteria for choosing members? From which groups will the Minister draw? What guidance will the Minister receive in making this important choice? What if the five part-time members acted in unity to outweigh the permanent members of the commission? How tragic that would be. Surely the Government wants the community to have the best possible health delivery services. The Government cannot deny that. What plans has the Minister regarding the choices to be made?

The Hon. D. H. L. BANFIELD: I can say only that the guidelines will involve expertise in the widest area to encompass people with the greatest expertise to represent the whole spectrum of health services.

Amendment negatived.

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

Page 4—After line 24 insert subclause as follows:

(1a) The members of the Commission shall be chosen in such a manner as to ensure that amongst its membership are persons with expertise in the following health fields:

- (a) the practice of medicine;
- (b) nursing;
- (c) the provision of paramedical services;
- (d) administration and finance;
- (e) education and training of those who are to work in the field of health care;
- (f) ascertainment of the needs of the community for health services and the planning of new health services.

I hold the same fears as those raised by the Hon. Mr. Hill, although I have great confidence in the Minister. I was pleased to hear that the commission members will be appointed on a basis of expertise. Both the Minister and other honourable members have emphasised the importance of expertise, and I agree with that aspect. These were the guidelines laid down in the Bright report in relation to the expertise required on this commission. Although this Bill departs from the Bright report in some respects, nevertheless the basic philosophy in that report is the basic philosophy behind this Bill. We do not want to see a commission

comprising members who have been appointed as a result of considerations other than their expertise in the health field.

The Hon. D. H. L. BANFIELD: I would like to include a reference to voluntary organisations, administration, and community and consumer needs.

The CHAIRMAN: It seems that the Minister is not opposed to the amendment in principle. If it is accepted, it could possibly be redrafted later in a manner that comes closer to meeting with total acceptance. The clause could be reconsidered on the next day of sitting.

The Hon. D. H. L. BANFIELD: Does the Leader favour giving consideration to people in the areas to which I have referred?

The Hon. R. C. DeGARIS: I am willing to change the areas of expertise, but I point out to the Minister that two of the areas to which he referred are already included. We could add the following paragraph:

(g) voluntary organisations.

We do not want to constrain the Minister, but we want to include in the legislation an insistence that expertise will be the major consideration. Possibly a retired judge could serve very well on the commission, but such a person may not be covered. The Bill will be recommitted, anyway, and any suggestions that the Minister makes as regards an expansion of the terms of reference will be given every consideration. The reason for the amendment is that the commission must be chosen from the viewpoint of expertise.

The Hon. D. H. L. BANFIELD: It may happen that I see that there is not expertise in a certain area, but I may be limited by the number of commissioners laid down in the legislation. Perhaps it could be provided that I have to ensure that consideration is given to persons from certain areas. However, in considering these areas, if I find that I am limited by the number of commissioners laid down in the Bill, I am in trouble.

The Hon. R. C. DeGARIS: I point out that the preamble to the list of health fields in the amendment says "amongst its membership"; I stress the word "amongst".

The Hon. D. H. L. BANFIELD: Yes; the amendment provides that amongst the commission's membership there must be persons with expertise in various health fields, but I may run out of commissioners.

The Hon. R. C. DeGARIS: You cannot have more than the number laid down in the legislation.

The Hon. D. H. L. BANFIELD: Parliament could go through the list of commissioners and say to me that I have not got a person with expertise in, say, voluntary organisations. I want voluntary organisations included; I am using this only as an excuse because I may have only a limited number of commissioners available. I have then to be able to find people representing six groups. It may so happen that the people we decide on are too good to leave out but there may be one main area in which I have fallen down; it may be that consideration has been given overall and, when we have taken these words into consideration, we have come up with the answer but unfortunately have run out of commissioners to be able to satisfy the situation.

The CHAIRMAN: You may be able to get over your difficulty by inserting the words "as far as possible".

The Hon. R. C. DeGARIS: I think the Minister and I are in general agreement on this matter. I suggest that the clause as drafted be agreed to, and we will then examine all the points raised and reconsider it. The reason for the amendment is to emphasise expertise. We would

be most disappointed if the appointment of a commissioner could be regarded as "jobs for the boys", when a more expert person in the health field could have been appointed to the commission than someone chosen for other than ability in that field. We want to avoid that, and that is why we are emphasising expertise. I think we would all be on side with this approach. After all, this is legislation and we should like to express our viewpoint as strongly as possible. Let us carry the amendment, and the Minister can look at it over the weekend; we can then recommit the Bill and put an amendment on file. We will be as co-operative as possible.

The Hon. D. H. L. BANFIELD: There is an amendment on file; perhaps we could recommit the Bill.

The CHAIRMAN: The Minister can move to redraft the amendment if he wants to.

The Hon. D. H. L. BANFIELD: But then I need the numbers. Under the provision of paramedical services, I may get even a dentist and a physiotherapist, who have expertise and are vital to the commission, but I may have run out of commissioners.

The CHAIRMAN: It seems to me that the most satisfactory way of making real progress is to suggest that the consideration of this clause be further postponed; we can sit again to continue our consideration of it.

The Hon. D. H. L. BANFIELD moved:

That the consideration of clause 8 be further postponed until after the other postponed clauses have been considered. Motion carried.

Clause 16—"Functions of the commission"—reconsidered.

The Hon. J. C. BURDETT: Yesterday, I moved an amendment to this clause. As a result of discussions between the Minister and me, we have agreed on a new amendment. Therefore, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Page 7—After line 36 insert subclauses as follows:

- (3) The commission shall, in carrying out its functions, act wherever possible in a manner calculated to encourage participation by voluntary organisations and local government bodies in the provision of health care.
- (4) The commission shall establish, wherever practicable, appropriate regional or local authorities for the provision of health services in the various regions and local government areas of the State.

I believe that sets out in proper form the amendment agreed on by the Minister and me yesterday; I trust the Government will accept it. I believe some of my colleagues are still worried about the word "regional". I respect their concern. I do not think I can improve on the English language by defining the terms any more closely. "Regional" means "in relation to a general area or region". "Local" means "in relation to a locus or spot"—a more restricted area. Whether or not this amendment is carried, the commission could take away local involvement in favour of regional involvement. I intend the opposite: decentralisation, not centralisation; a movement down, not a movement up.

I do not intend that involvement be taken away from local organisations in favour of regional organisations; I intend the reverse. I hope that the authority, which otherwise will be exercised by the commission, will be delegated down to regional authorities; not that authority will be taken away from local authorities and handed to the regional authorities. In this regard, I make this point that,

if we look back to clause 3 of the Bill, either in the form in which the Bill was originally printed or in its present form, with my amendment, it speaks of the delegation of authorities and functions of the commission to regional authorities. So this makes it clear that what is contemplated (not just by me but in the Bill) is that the authorities given to the regional authorities are some of the authorities and functions of the commission.

The Hon. D. H. L. BANFIELD: As I think the amendment covers the matter raised in discussion on this matter yesterday, the Government accepts it.

The Hon. M. B. DAWKINS: I commend the Minister for making certain suggestions yesterday which I believe will improve the Hon. Mr. Burdett's amendment. As I am still unhappy about the word "regional", I will not be able to support the amendment as it stands.

Amendment carried; clause as amended passed.

Clause 18—"Appointment of advisory committees"—reconsidered.

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

Pages 7 and 8—Leave out this clause and insert new clause as follows:

*Health Advisory Council*

18. (1) The Minister shall appoint a Health Advisory Council.

(2) The Health Advisory Council shall consist of the following members:

- (a) two nominees of the Local Government Association of South Australia;
- (b) one nominee of the South Australian Hospitals Association;
- (c) one nominee of the Australian Medical Association (South Australian Branch);
- (d) one nominee of the Australian Dental Association (South Australian Branch);
- (e) one nominee of the Royal Australian Nursing Federation (South Australian Branch);
- (f) one nominee of the South Australian Council of Social Service;

and

- (g) four nominees of the Minister (all of whom must have had experience in the provision of health services and at least one of whom must have had experience in the education and training of those who propose to work in the field of health care).

(3) The members of the Health Advisory Council shall hold office for such term, and upon such conditions as may be prescribed.

(4) The functions of the Health Advisory Council are to advise the commission in relation to the following matters:

- (a) voluntary participation by members of the community in the provision of health care;
- (b) the provision of education and training by universities and colleges of advanced education and by the commission and other bodies in matters relating to health care;
- (c) research into the adequacy of existing health services and the planning of new health services;
- (d) any other matter referred to the Health Advisory Council for advice by the commission.

(5) The Health Advisory Council may, with the consent of the Minister, establish such subcommittees as it thinks necessary to assist it in performing its functions under the Act.

I believe this is probably the most important amendment to the Bill so far. It alters the concept of the Bill somewhat in that it follows very closely the legislation enacted in New South Wales and Victoria, but it takes it probably one step further than either Victoria or New

South Wales. I believe that the commission should be as strong a commission as possible. Indeed, some argument has been put that the commission may be too large to be a strong commission. At the same time, I believe the most important thing in such a concept is to have available to the commission what I may well term the "parliament" of the health delivery services. The Health Advisory Council, which I have called it in the amendment, should be composed as a representational body of the lower echelon in the health delivery services. Although "lower echelon" is not a very good term, people in the health delivery services will understand it.

The amendment does not necessarily cover all the organisations involved in the health delivery services. I will take other suggestions from honourable members, but I conceive this Health Advisory Council as being a representative body and the Health Commission itself as being a body where expertise lies. I believe it is most important that every avenue should be made available to allow the commissioners to have constant access to the viewpoints of those who are working in the health delivery services. For those reasons I am following the New South Wales and Victorian concept, although in New South Wales there are two such advisory committees. In Victoria I believe there is only one.

The Health Advisory Council that I am suggesting should be a representative one with two nominees from the Local Government Association, and my conception there is that the metropolitan area and the rural areas should be represented from a local government viewpoint. One nominee is to be from the South Australian Hospitals Association, one from the Australian Medical Association, one from the Australian Dental Association, one from the Royal Australian Nursing Federation, one from the South Australian Council of Social Service, and four nominees of the Minister. I did propose there that there should be representation from the teaching hospitals on this advisory council but I could not find a phrase to set that out. I have left it to the Minister to nominate that person, and I wish him well in obtaining one nominee from the Flinders and Adelaide Universities.

The point is that I believe this concept is correct. Under the Bill the Minister has the right to appoint members. He has power under the Bill to appoint a series of advisory committees to do specific jobs, and this amendment takes up that point wherein it provides that the Health Advisory Council may, with the consent of the Minister, establish such subcommittees as he thinks necessary to assist it in performing its functions under this Act. If the Minister wanted such a subcommittee for a special job in a special field, he could use the Health Advisory Council in connection with appointing that subcommittee. In no way does it prevent the Minister, as Minister of Health, from establishing his own Ministerial inquiry or committee to make any investigation; nor did the existing provision in the Bill.

I believe that it is essential that, if this concept is to work and work to its best efficiency, we must involve as much as possible in some position of authority all the branches of the health delivery system, those working in the field, whether from the hospital point of view or any other point of view. To me, this is the most important amendment to the Bill. The Hon. Murray Hill's concept varies from mine in that he wants representation at the commission level. That has been debated and, while I respect his viewpoint, I believe the representation level should be at the advisory council level. There may be a number of organisations in this field that should be represented on the advisory

council, and, as I pointed out, I do not mind if the Minister has other ideas about organisations that should be represented, but I believe that it is most important that this concept be incorporated in the Bill.

So many organisations always have the impression that they are remote from the area of decision making. So many organisations become frustrated because they feel that Big Brother is up there somewhere and they never have access to the thinking of the department, whether it be the Health Department or any other department. The Health Department is spending at the moment something like \$275 000 000. It is a big organisation and this concept will allow these people who are involved, most of them in a voluntary capacity in the health delivery services, to have their viewpoint directly expressed to the commission. I think that concept is most important in this Bill.

The Hon. D. H. L. BANFIELD: I thank the Hon. Mr. DeGaris for the thought he has put into this matter, although I still believe that the Bill as it now stands is a better proposition. I think it is better, under the existing clause, to be able to set up small committees with expertise in certain areas than it is to provide for one group having expertise over the whole area, with one of its members perhaps wishing to be on a committee such as one of those proposed by the Hon. Mr. DeGaris, and saying "Why can't I put myself into this area? I know nothing about it, but I am going to put myself on it." An advisory committee has a certain job to do and ought to comprise a group of experts, as far as possible. We may want advice on research. Personalities also could be involved. One person may say that he is on this big committee but is not being used. Other people may want to be in an area in which they have no expertise. If we have a small committee, the advice will be sounder. There will still be a report of the advisory committee, although the amendment allows for subcommittees.

The Hon. R. A. Geddes: The subcommittee goes out with your consent.

The Hon. D. H. L. BANFIELD: Yes, but it is on the basis that they have come to me and told me that they comprise the subcommittee: I have not told them that I want Percy, Bill, and Sarah to examine a certain area: they tell me that other people will do that. It is better for me to choose the membership of the advisory committee.

The Hon. R. C. DeGARIS: Nothing prevents the Minister from appointing a committee at present. After all, it is up to the commission to advise him.

The PRESIDENT: That does not necessarily mean that he accepts the advice. There is not much difference between reporting to the Minister and reporting to the commission.

The Hon. R. C. DeGARIS: Exactly. If the Minister wants the right to still appoint specialist committees, I do not object to that. The Minister has spoken about expertise in these committees, and I agree with him. A committee may need to be set up to examine education in medicine, and the expertise to do that may not be on the advisory committee. I would not mind giving him power to appoint specialist committees at that time, but there should be established by Statute a health advisory committee that is representative of the grass roots delivery to allow contact between the commission and that grass roots delivery. I do not look on this body as one that provides expertise. The expertise will exist on the commission. I see the advisory committee as being a public

relations exercise and a pressure point on the commission so that the commission will not get too far away from the grass roots.

The Hon. C. M. HILL: I should like the Minister to retain the right to appoint advisory committees, which must report to the commission. The flexibility needed in this Bill is important. The measure provides that the Minister may appoint committees, but reporting to him is not reporting to the commission. The whole area of advisory groups will be enlarged considerably in time but that does not interfere regarding the body that is proposed in the amendment. I have no objection to the advisory council proposed by Mr. DeGaris, on which sectional interests are represented. I moved an amendment along those lines but honourable members have seen fit not to place representatives of sections on the commission. However, if they are on this body, the voice of those sections will be heard. At least, the body goes about half-way towards achieving what I wanted to achieve. I did not want to take away from the Minister the right to appoint other committees, although it has nothing to do with sectional interests.

The Hon. J. C. BURDETT: I support the amendment. Fundamentally, the Hon. Mr. Hill and the Hon. Mr. DeGaris have been trying to do things that are along the same lines. They have been trying to ensure that the people engaged in health services were somewhere engaged in the commission. Expertise is one thing, but representation is another. People engaged in the delivery of the various health services should be represented at some stage in the workings of the commission. They can bring forward to the commission the views of the health groups they represent. The Hon. Mr. Hill and the Hon. Mr. DeGaris have been trying to do much the same thing, to ensure that there are involved in the work of the commission people representing those delivering health services to the community. I support the amendment.

The Hon. M. B. DAWKINS: I, too, support the amendment. This is the appropriate time to deal with this matter. The Leader's amendment provides for the appointment of people from various health bodies, and he has provided for the Minister to appoint four other members from areas he believes should be represented. This is a good amendment. There should be a strong advisory committee to advise the commission and the Minister.

The Hon. R. C. DeGARIS: The powers and functions of the commission are wide in the Bill. The commission has power to undertake any examination, and I do not believe that that power is denied to the commission at any stage. The Minister has the same power. I do not see how the argument about specialist committees is involved.

The Hon. D. H. L. BANFIELD: Much trouble would result if we went outside the advisory council established to appoint a smaller committee. Trouble will result from the naming of organisations; indeed, not all those named would be completely represented. Why is the Leader seeking two nominees from the Local Government Association?

The Hon. R. C. DeGARIS: To cover metropolitan and country areas.

The Hon. D. H. L. BANFIELD: That is not stated in the amendment.

The CHAIRMAN: Although the Committee may be close to agreement on this matter, I suggest that further thought be given to this amendment because of practical

difficulties that have arisen. I am referring to the provisions in respect of the advisory committee under the Community Welfare Act. First, there should be provision for the health advisory council to appoint its chairman; secondly, the term of members may be prescribed, but that is not done and there is no provision for that; thirdly, provision should be made for secretarial services and facilities as may reasonably be required to be provided for the purposes of the council; and, fourthly, there should be some provision for allowances and expenses of members.

The Hon. D. H. L. BANFIELD: I thought this would be dealt with in the voluntary area.

The Hon. R. C. DeGaris: I realise this, but rather than draft the amendment in full I wanted first to obtain the views of the Committee.

The Hon. D. H. L. BANFIELD: We are not really close to agreement on this amendment, and I am not happy about the nominees of some of the other bodies.

The Hon. R. C. DeGaris: Which are those?

The Hon. D. H. L. BANFIELD: I refer to nursing and groups outside the Local Government Association.

The Hon. R. C. DeGARIS: What groups are outside the Local Government Association? The Royal Australian Flying Doctor Service of Australia is associated with the South Australian Council of Social Service.

The Hon. D. H. L. BANFIELD: So that these matters can be further considered, I ask that progress be reported. Progress reported; Committee to sit again.

#### JUSTICES ACT AMENDMENT BILL

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

#### EVIDENCE ACT AMENDMENT BILL

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

#### ADJOURNMENT

At 4.41 p.m. the Council adjourned until Tuesday, November 9, at 2.15 p.m.