LEGISLATIVE COUNCIL

Thursday 1 March 1979

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

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

Appropriation (No. 1), 1979.
Eight Mile Creek Settlement (Drainage Maintenance) Act Amendment,
Evidence Act Amendment,
Legal Practitioners Act Amendment,
Securities Industry.

DOG CONTROL BILL

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

That Standing Orders be so far suspended as to enable the conference on the Dog Control Bill to be continued during the sitting of the Council.

Motion carried.

EMPLOYEES REGISTRY OFFICES ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health): I have to report that the managers for the two Houses conferred together but that no agreement was reached.

The PRESIDENT: As no recommendation came from the conference, the Council, pursuant to Standing Order No. 338, must either resolve not to further insist on its amendment or lay the Bill aside.

The Hon. D. H. L. BANFIELD: I move:

That the Council do not further insist on its amendment.

The only matter that was to be considered at the conference involved who should pay for services provided by an employment agency. In most employment agencies the employer pays when he has received a service from the agency; that is, when the agency has found him a suitable employee. In relation to nurses, there are a couple of agencies where this practice does not apply: the employees pay the agency for being recommended to an employer. The fee paid to those agencies by prospective employees is about 7 per cent of their weekly wage on a continuing basis for the duration of the casual employment.

As I pointed out yesterday, about $11 a week is taken from the minimum award rate set by the court. The court set the minimum award rate on the basis that normal procedures would apply and that this cost would not be borne by the employee, because 95-98 per cent of nurses do not pay 7 per cent of their wages to an agency. The award rate was set without allowing for that matter.

The I.L.O. convention carried many years ago recommended that this payment should not be made by the employee. Members opposite said yesterday that they believed that, as this practice had existed for several years and had not been disputed, it should continue. I pointed out that, in all other positions where employers pay the agency for having a prospective employee recommended to them, they can get back their costs by adding them on to the service received by the patient from the hospital; the hospital would merely increase its charges just as any other employer in industry would do. The additional charge is levied on the people receiving the service provided.

However, casual nurses who have obtained a position through an agency pay that fee, and we believe that that should not be the position and that it should be the same as in all other areas. Yesterday, honourable members opposite pointed out that the Bill involved discrimination, because we were not removing this charge in respect of nurses giving a service in a patient's home.

True, that provision was in the Bill, and it was included for a specific purpose, because a private patient in the patient's own home cannot pass on the charge to anyone else. The patient cannot recoup the charge, and the Government took that into account. That is how this so-called discrimination was included in the Bill. However, when the managers met at the conference today, this matter was raised and the managers on behalf of the House of Assembly were most conciliatory. They were prepared to compromise on the Bill, offering to remove that discrimination and make everyone pay.

The Hon. C. M. Hill: Big deal!

The Hon. D. H. L. BANFIELD: Of course it was a big deal. They made an offer. If the case put by members opposite rested on the ground of discrimination, the Government was prepared to remove that discrimination. It took the argument right away. There need no longer have been any discrimination in the Bill, but members opposite made no attempt to compromise. There was no budging by them. Yesterday, those members pointed out that in the Bill there was discrimination against employers. That was the main basis of their argument.

Members opposite implied that a hospital employed these people only because it was able to go to an agency to get them. They did not state the true position, namely, that the hospitals go to an agency because they want someone to work for them. They do not go to the agency because it has a list of prospective employees and the hospitals are lucky enough to be in a position different from that of 98 per cent of all other employers, which in the same circumstances would be paying for the agency's service.

The Hon. Mr. Burdett stated yesterday and again today that the position here was different because a casual employee was involved. He implied that other agencies interviewed the prospective employee and sent that person to someone requiring his services. What does he think happens regarding someone who wants a casual employee?

The Hon. N. K. Foster: They're parasites in the community.

The PRESIDENT: Order!

The Hon. D. H. L. BANFIELD: The same position as I have explained applies to the nurse seeking casual employment. The agency interviews the prospective employee and decides whether that person would be suitable on a part-time basis for those who are seeking an employee. There is not the slightest difference between what happens regarding a full-time employee and what happens regarding a part-time employee as far as the agency is concerned. The agency goes through the same routine.

Therefore, it is wrong to use the argument that the employer should not have to pay, that there would not be a job, anyway, and that the employer was employing the girl only because her name happened to be on the agency list. Yesterday, great play was made about this being what the prospective employee preferred. We were told that the employee preferred to hand back $11 a week, but that did not convince anyone on this side.

If an employee had a preference, he would not want to throw down the drain $11 of his minimum weekly award

rate. No-one in his right mind would prefer to do that if he did not have to do it. So, the Government was not impressed with that argument, either.

I reiterate what I said yesterday, and on which I have already elaborated today: apart from the 98 per cent of agencies that operate in circumstances in which the employer and not the employee pays, 98 per cent of nurses want the amendment contained in the Government's Bill.

The Hon. R. C. DeGaris: What percentage?

The Hon. D. H. L. BANFIELD: It is 98 per cent, and it could be 99 per cent if one considers the full-time nurses employed in South Australia. Members opposite have not produced any figures to show how many part-time nurses are working, but it would need to be an awful lot to comprise more than 2 per cent of the total number of nurses in South Australia. I should like it clearly noted that I raised this matter, and not the Hon. Mr. Hill. In the final analysis, and as a result of the attitude adopted by members opposite this morning, the onus will be thrown back on them.

The conference was requested because there was room for compromise on the Bill. Members opposite criticised the Bill, stating that it was discriminatory. Because of the arguments raised, the House of Assembly managers were willing to remove the discriminatory clause. However, although the House of Assembly managers were willing to compromise in that way, members opposite did not budge.

The Hon. J. C. BURDETT: The Minister seemed to want to debate the whole matter again, stating that he could not see any difference between full-time and part-time employees for whom jobs are found by agencies. Where full-time employment is involved, and particularly where the employment is of a staff or executive nature (which it frequently is), many small employers engage the services of an agency because they do not have the specialised personnel officers themselves. In effect, the employment agency is a contract personnel officer for the employer and, of course, that employer expects to pay for the service provided to him.

In the casual employment field generally, the situation is entirely different. In any event, we are arguing not about the whole casual field but about the field of nursing. Two agencies relate to nursing, both of which deal mainly not with full-time nurses (not with the 98 per cent or 99 per cent of nurses about whom the Minister has spoken and who are in full-time employment) but with a small area of nurses.

Merely because section 2a was included in the Act does not prove, as the Minister suggested, that it is a correct provision. However, that section was put in the Act for a good reason, and I cannot see how that reason has changed. It was included because in the home nursing field and in the area of part-time, and particularly casual, nursing in hospitals and various other institutions, there has been a need for the nurse who wants employment to be able to ascertain who wants to employ her.

In regard to the home nursing field, perhaps I should say "him" and "her", because there are male nurses as well as female nurses. In the home nursing field the patients are largely terminal patients who have been in hospital and have then gone home, where they need nursing. Also, other types of patient need to be nursed in their own homes. Because the patients find it difficult to get in touch with a nurse, they contact the agency, which has contact with nurses and which then finds a nurse who is prepared to nurse the patient. The nurse pays the fee and obtains the employment.

The Hon. F. T. Blevins: Why can't the patient pay?

The Hon. J. C. BURDETT: The Government approves of what I have outlined. The other area is where a small hospital or nursing home experiences an emergency, perhaps because a nurse is sick, and the hospital therefore needs someone to stand in. Once again, the small hospitals or nursing homes do not themselves have the knowledge of nurses who are in the market for part-time, emergency, or casual jobs.

The Hon. J. E. Dunford: They should make an effort.

The Hon. J. C. BURDETT: So, they go to the agency.

The Hon. F. T. Blevins: Why can't they pay the fee to the agency?

The Hon. J. C. BURDETT: This has been a long-standing practice. The nurses are happy about it. They would not get employment otherwise.

The Hon. D. H. L. Banfield: Why not?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Burdett.

The Hon. J. C. BURDETT: Where nurses want casual employment in the home nursing field, as they do not have the contacts themselves, they go to an agency. Where hospitals and institutions need some emergency staff, they go to the agency. In that situation the patient does not pay and is probably not prepared to pay. The nurses are prepared to pay. They are happy to have the employment.

The Hon. J. E. Dunford: It is the only way in which they can get a job.

The Hon. J. C. BURDETT: Yes. The nurses who are in this field have said and continue to say to us that they fear that, if this Bill is passed in its present form and if section 2a (which has been there for some time, presumably for the reason to which I have referred) is repealed, they will not be able to get jobs, because the hospitals and patients will not be prepared to pay. There was no compromise offered by either side. Originally, the Government was prepared to allow the agencies to continue to exist and to charge fees to the nurses in respect of home nursing, but it was not prepared to allow that to continue in regard to casual employment in hospitals. Our attitude has been consistent. We believe that the present situation should continue; namely, agencies should be allowed to exist and continue to charge fees to nurses who want their services. Of course, there is no compulsion on the nurses to use those services.

Agencies should be allowed to continue to charge fees to nurses who want their services, both in the home nursing and casual hospital fields, which are allied areas. There was no concession, because we did not want agencies to cease to be able to charge fees in the home nursing area. We never wanted that, so what sort of concession was it?

The Hon. D. H. L. Banfield: Why did you use it as an argument?

The Hon. J. C. BURDETT: We said, "How about being consistent?", because the home nursing and casual hospital fields are very similar. We said that what the Government was prepared to do in the home nursing field it should be prepared to do in the casual hospital field. It was no concession at all to say, "If you're talking about consistency, we will take them both away." It was taking away, not giving what we wanted. I ask the Council to insist on its amendment.

The Hon. ANNE LEVY: I ask honourable members opposite to support the motion that the Council no longer insist on its amendment. I did not take part in the debate earlier on this Bill, not because of lack of interest, but because of the pressures on the Council in relation to time. However, this in no way has affected my great interest in this matter. It is totally unreasonable that employees should have to pay for the privilege of employment. This is

generally understood throughout the world as being an undesirable practice and is, if fact, banned by the I.L.O. convention of 1949. The Hon. Burdett says that the situation for casual nursing is different from that for other casual employees. I cannot, for the life of me, imagine why casual nurses are different from other casual employees. They work at casual rates, with all the advantages and disadvantages of casual employment, and I see no reason whatsoever why nurses should be singled out as being different from other casual employees, be they barmen, fruit pickers, or anyone else.

One can only presume that the reason casual nurses are regarded as being different is that, in the main, they are women, and for this reason members opposite regard them as not being as important to the work force, or as being sufficiently important to protect them from exploitation, as are male casual employees. It seems incredible in this day and age that anyone would have to pay money for the privilege of having employment. It does not apply to any other workers at all, so why should it apply to casual nurses?

Why should they be the only exception to the general rule? I can think of no valid reason whatsoever, and it is a matter of considerable shame if, because of actions of members opposite, this one discriminatory provision is left remaining on our Statute Book, and Australia is not able to ratify an I.L.O. convention of 30 years standing. I ask members opposite not to put Australia in a situation where it cannot ratify a 30-year-old I.L.O. convention.

The Hon. M. B. CAMERON: I have been looking at this matter closely and, I think, fairly. The Government is still prepared to recognise a section of the nursing profession as being exempted. All we are doing is extending the exemption. Government members themselves are taking that action and are therefore in the category that the Hon. Miss Levy has referred to: they are discriminating against the female sex. That is a nonsensical argument when we look at what the Bill does, and it does provide that exemption. There is some fear (perhaps justifiably) about people working under industrial conditions that are not proper, but there are plenty of ways around that without forcing people out of the business that they have operated for many years. The Government has given no evidence to support what it is saying. I was prepared to be very open-minded on this but, when members opposite get up and start discriminating against sexes on this basis, when they themselves are doing the same thing in the Act, they lose any support they may have had. They have attempted to cast a slur on the Opposition in regard to this Bill, when all we wish to do is extend to one more group the provisions that the Government is implementing. I do not see why these people have to use the agencies. The hospitals do not have to use them.

The Hon. D. H. L. Banfield: But they do.

The Hon. M. B. CAMERON: That is up to them. They get a service, and they are happy with it.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. CAMERON: Somebody else will no doubt provide this service, and if this Bill went through in the present form we would have the same problems arising. There are people in the Government who do not like casual or part-time employees and who are just following the dictates of the recent convention, which was opposed to part-time employees. Government members indicated that at their convention and carried a motion to that effect.

The Hon. F. T. Blevins: No, we didn't.

The Hon. M. B. CAMERON: You did. I had an argument the other morning with Mr. Gregory after he had spoken on radio on that very matter.

The Hon. F. T. Blevins: We did not pass a motion on that.

The Hon. M. B. CAMERON: Maybe you did not, but you refuse to recognise these people in the Industrial Court.

The Hon. F. T. Blevins: Ask Mr. Laidlaw. It's already in an award.

The Hon. M. B. CAMERON: It is in some awards. The Hon. Mr. Laidlaw will support inserting in all awards a provision to protect these people in part-time employment, but the Government and the unions are opposed to it. No doubt I have provided some debate on this matter and members of the Government will try to deny that they have done this, but their convention was reported on that level, and Mr. Gregory was on radio reinforcing that view. The Hon. Miss Levy, in this case, had a very proper view, from what I recall of what she said. I urge the Government to support the Council's amendment.

The Hon. N. K. FOSTER: I hope, Mr. President, that you will not prevent me from canvassing the area referred to by the Hon. Mr. Cameron throughout his speech.

The PRESIDENT: I will do my best to see that you get a fair hearing, provided you do not transgress too much.

The Hon. N. K. FOSTER: Thank you, Sir. There are in the community employment agencies that have charged people fees, whether or not those people have received employment. It is on record that the Broken Hill Proprietary Company, having had employment officers lined up to interview applicants for jobs, has encouraged those applicants to go interstate or to Whyalla at some expense to themselves and has refused to reimburse the train fare, even though they found that no jobs were available. These people have taken great pains to obtain these false jobs.

That area has been cleaned up largely because questions have been asked in Federal Parliament. I raised this matter in 1975 and referred to the Ajax employment agency, located in Shell building. That company should have been thrown from the top story of that building because it was so unscrupulous.

Honourable members will recall a document of requirements that Actil had an agency use in respect of female employees, concerning pregnancy tests, blood tests and personal information being sought for companies wishing to employ people through it. This matter should be in the hands of Government employment organisations like Federal and State bodies. They should handle this function on the part of the employers, who pay lip service only to this question because in many cases they have a direct interest in the agencies.

Any agency directing a person to an employer should not have the right to charge in any form. That is basic to the question now before the Council. It is that concept versus the view of members opposite that, because they are private enterprise agencies, they can charge what, when, where, and how they like, and they can shower an applicant with indignity, if they wish. That is not good enough. People referring to free enterprise and, at the same time calling for freedom of the individual, obviously face a conflict of interest.

I refer to an industry in Rundle Mall that has reorganised its business so that customers are required to queue at cash registers, obtaining less assistance in making purchases. That industry recently announced plans to cut out overtime rates, increase part-time employment, and provide 5 000 additional jobs. I wrote to that company, which claims it employs more people today than it did about three years ago, but it will not provide a comparison

of man-hours worked now and three years ago—

The Hon. C. M. Hill: What industry?

The Hon. N. K. FOSTER: The retail trade.

The Hon. C. M. Hill: Are you talking about part-time work in the retail trade?

The Hon. N. K. FOSTER: Yes. Almost 70 per cent of employees in that industry work part-time, some for as little as 1½ hours before they are sent home for three hours before working for a final 1¼ hours. That concept was rejected by the A.L.P. convention. Reference has been made to Target Stores and Woolworths, who will not employ married women for all of the day. They are employed from 10 a.m. to 2 p.m., or until the kids come in from the high schools—

The Hon. M. B. Cameron: Good for them.

The Hon. N. K. FOSTER: True, but measured in terms of total people employed, the companies claim that they have employed three people, but it is one person from 10 a.m. to 2 p.m., another from 12 noon to 2 p.m. and another from 4 p.m. to 6 p.m. Part-time work might suit people with a working wife and people in the professions, but it is not satisfactory for a worker in an industry who is the sole bread winner earning $122 a week take-home pay. It is not suitable for him to earn three-fifths of his pay for working three days a week and keeping his wife and kids on a salary below the poverty line. That is the concept rejected by the convention.

It is false to suggest that the convention came down against part-time employment: it agreed that employees should not be forced to share poverty within industry. The motion should be rejected.

The Hon. C. M. HILL: The Hon. Mr. Foster gave the impression that nurses involved in this relatively small area pay fees to agencies whether or not they have obtained employment—

The Hon. N. K. Foster: That's right.

The Hon. C. M. HILL: It is not right. They merely pay commission after they have received money from the hospital or institution. Although I was not at the conference, I was disappointed by the Government's inflexible attitude towards the Bill. It will be on the Government's head if the Bill is laid aside, because 95 per cent of what was in the Bill has been agreed to by this Council. Fancy the Government coming forward with its great ideals, referring to International Labor Organisation conventions, obtaining 95 per cent of what it sought from Parliament and saying that, because it cannot obtain the remaining 5 per cent, it will not have a bar of the Bill. That is a shocking attitude, and the fault will be on the Government's head—

The Hon. F. T. Blevins: You watch Arthur Whyte throw it out.

The PRESIDENT: I wish to clarify what the Hon. Mr. Blevins said about me. I am not sure what he was implying, or what he said.

The Hon. F. T. Blevins: I stated that if this Bill goes out, it will be because you, as a member of the Liberal Party, throw it out. It will not be because of the Labor Government; it will be because you, as a member of the Liberal Party, in concert with the other 10—

The PRESIDENT: Order! I take strong exception to that—

The Hon. F. T. Blevins: I don't see why; that is the reality.

The PRESIDENT: Order! At all times I haved tried my best to see that legislation is not heaped on my head to decide—

The Hon. F. T. Blevins: That's what you are elected for.

The PRESIDENT: When this Council is divided in its opinion, it is my role, and one that I try and follow strictly, to see that legislation continues as far as it can and that, if no suitable arrangement can be made, someone can introduce a new Bill.

The Hon. F. T. Blevins: You'll throw it out.

The PRESIDENT: If you are suggesting I am playing politics, or not undertaking my role correctly, you should say so.

The Hon. F. T. BLEVINS: I am spelling out the reality of the situation. The Hon. Mr. Hill has just said that it will be the Government's fault.

The PRESIDENT: Order! Are you challenging my role as President?

The Hon. F. T. Blevins: You're challenging what I said.

The PRESIDENT: I ask you to put it plainly.

The Hon. F. T. BLEVINS: I want to put it plainly, but you keep standing up.

The PRESIDENT: Are you going to move a motion that I am incapable of administering—

The Hon. F. T. BLEVINS: I do not say that you are incapable: I am spelling out the reality of the situation.

The PRESIDENT: Order! I do not accept any snide insinuations that I am not playing my role impartially.

The Hon. F. T. BLEVINS: Regarding the conference, the Hon. Mr. Hill—I hope you allow me the same latitude that you allowed him.

The PRESIDENT: I will see that you have a fair hearing.

The Hon. F. T. BLEVINS: You always do. The Hon. Mr. Hill said that, if this Bill fails, it will be because the Labor Government created the situation. The cold hard facts are that, if this Bill fails, it will be because 11 members of the Liberal Party in this Council threw the Bill out, and that includes you.

I am not attributing any bad motives to you. You vote as you see fit, but the facts are that 11 Liberals in this place, not the Government, will be responsible for throwing the Bill out. That is my only point. I object to your saying that there is anything snide about that. They are the cold hard facts, as everyone here knows.

The Hon. D. H. L. BANFIELD: It was most interesting to hear the Hon. Mr. Burdett say that the hospitals need not use the service if they did not want to do so. They do use the service, and they are not paying one cent for the use of it. The honourable member also said that, likewise, the employees did not have to use the same agency as the employer might be using. The fact is that, if the employee uses the agency, the employee pays. We all know that the employees and employers do not have to go to an agency. However, the employer who uses the agency does not pay a cracker, whereas the employee who uses the same agency must pay for that service. The position that arises when a casual employee goes to an agency and gets a part-time job at a hospital has been brought to my notice.

The Hon. R. C. DeGaris: Does this apply to home nurses, too?

The Hon. D. H. L. BANFIELD: What I am saying now applies to people in home nursing. Because the system operates whereby the employee pays the agency, the arrangement is classed as a type of contract and, in those circumstances, the employer is not bound by award rates. The agency tells the employer what he need pay the employee. Do honourable members know what the agency recommends to the employer and do they know that the employer accepts the recommendation?

Despite the fact that a sister may have trained for five years, continued on a full-time basis at the hospital for another five years, gives the job up for some reason, and later wants to come back, the agency has an arrangement with the employer that, if it sends the girl around on that

basis, the employer will set the same rate for the nurse as applies to a nurse with only two years experience. The girl is not covered by the award and does not receive the amount prescribed in the award for a nurse with the experience that she has had in the profession.

The casuals are at a disadvantage both ways, in that they are not receiving the rate in the award and receive the same rate as applies to a nurse with only two years experience. We can see how the employee is "touched" right along the line, merely because she desires to earn money. In some cases, the girls take the employment because there is a shortage of nurses or because a hospital wants part-time employees from time to time. We all know that, when an employee goes on sick leave, that employee must be replaced quickly, and prospective employees put their name down and say that they are prepared to fill in in those circumstances. Having offered themselves, they are paid at the rate for a nurse with two years experience instead of the rate for a fully qualified nurse with five years experience. In addition, they hand back about $11 a week. That is the disadvantage.

The Hon. R. C. DeGaris: Why did you leave the home nursing provision in?

The Hon. D. H. L. BANFIELD: We are prepared to take out the home nursing provision. I offered that yesterday, before we went to the conference, but that was not the argument used by members opposite. Today, the Hon. Mr. DeGaris is using that argument. We were prepared to remove that discriminatory provision yesterday, and we were prepared to do it again today. Therefore, members opposite cannot say that this Government is pleased about having discrimination. The Hon. Mr. Burdett also suggests that other agencies do not deal with casual employees.

The PRESIDENT: Will the Hon. Mr. Foster and the Hon. Mr. Carnie cease their debate across the Chamber so that the Minister may continue?

The Hon. D. H. L. BANFIELD: The Hon. Mr. Burdett tried to give the impression that most of these employment agencies sent along only the executive type of person. I think that was the term used, and he was trying to imply that that was the biggest part of the business of the agency. Other agencies also deal with casual people. Apart from that, they also deal with people other than the executive type, as the Hon. Mr. Burdett knows. They also deal with such people as cleaners and typists, and they do not have executive-type jobs or jobs that are necessarily permanent.

How often does a secretary or typist telephone an employer to say that she has a doctor's certificate for illness and will be absent for a week? The employer contacts an agency that has many names of people who want a casual job. Casual employees are provided by that employer in the same way as casual nurses are provided by the other agencies, but in the first instance the employer pays, whilst, where the nurse is concerned, she pays.

The PRESIDENT: I will put the question "That the Council do not further insist on its amendment." Those in favour say "Aye". Those against say "No".

The Hon. N. K. Foster: Bloody blood suckers. You really are.

The Hon. C. M. Hill: That ought to be withdrawn.

The PRESIDENT: Order! The honourable member should withdraw that remark, or—

The Hon. N. K. FOSTER: I desire to raise before the Council—

The PRESIDENT: Order! Will you withdraw?

The Hon. N. K. FOSTER: If you will let me, I will.

The PRESIDENT: Just withdraw and take your seat, or I will take action.

The Hon. N. K. FOSTER: I will withdraw the term that you suggest I—

The PRESIDENT: Sit down.

The Hon. N. K. Foster: Are you satisfied that I have withdrawn?

The PRESIDENT: Not entirely, but I will tolerate it. I think the Noes have it.

The Council divided on the motion:

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

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

The PRESIDENT: There are 10 Ayes and 10 Noes. I have already explained to the Hon. Mr. Blevins why I will vote to lay the Bill aside. I therefore give my casting vote for the Noes.

Motion thus negatived.

Bill laid aside.

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

At 3.14 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 2:

That the House of Assembly do not further insist on its disagreement thereto.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

It was accepted at the brief conference that the first amendment, which referred to the placing on the board of the Artistic Director, was not a practical proposition, as the structure of the South Australian Theatre Company did not make it possible to identify a single person as being its chief executive officer.

The second amendment, to which another place is not further insisting on its disagreement, relates to the employee representative on the board. The Council's amendment will remove the restriction on those holding executive office from being elected as employee representatives.

The Hon. C. M. HILL: I should like to explain one or two points to which the Minister has referred. Honourable members will recall that when the Bill was debated in the Council Opposition members emphasised the principle in which they believed concerning employment involvement, namely, that, if the principle of employee involvement is to apply in relation to statutory authorities and semi-government associations, it is proper that employee representatives should take a place on the board alongside the chief executive officer. It would be ridiculous in the normal composition of these organisations for an employee representative, but not the chief executive officer, to be on the board.

Based on that principle, the Council supported the amendments. There was some doubt regarding which officer would be deemed to be the chief executive officer of the company but, for the purposes of choosing one, I selected the Artistic Director.

Since that matter was debated in the Council some months ago, I have had discussions with people associated with the theatre company, and I am now willing to accept their explanation that the company's senior staff structure is unique in that, in effect, three officers (the General Manager, Artistic Director and Officer in Charge of Theatre Education) have the same status, and that none of those three persons can be deemed to be senior to the other two persons.

That point is reinforced by the fact that the three gentlemen concerned attend board meetings and contribute to discussions at that level, although they do not have a vote on the board.

I understand that the whole matter has been discussed with these people and, as it is difficult in this organisation to select one appropriate senior executive officer, I will not insist on that principle being applied in this case. Certainly, however, I would insist on its being applied in future in relation to any other organisations.

Whereas previously the Company of Players had the right to select, and indeed selected, a nominee to sit on the board, the amendments to which I hope the Council will now agree expand that electorate to include not only the group known as the Company of Players (the contract actors and actresses) but also the other members of the staff and the three senior people to whom I have referred.

So, the position in the future, compared with the position in the past, is that, instead of only the Company of Players having the right to nominate a person to the board, the whole employee group from the most senior officer to the most humble officer in the organisation, including those on acting contracts, will group together and have the opportunity to appoint a board member. I am satisfied with the situation that has been developed as a result of discussion and compromise, and I therefore support the motion.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

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

That Standing Orders be so far suspended as to enable Question Time to be extended until 3.30 p.m.

Motion carried.

LOANS TO PARLIAMENTARIANS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Minister of Health about loans to Parliamentarians and their families.

Leave granted.

The Hon. N. K. FOSTER: An article, headed "P.M's wife in loan row", in today's *News* states:

> CANBERRA: Allegations that the Prime Minister's wife, Mrs. Tamie Fraser, and her family received a $250 000 Government loan were raised in Federal Parliament today. Mr. Brian Howe (Labor, Victoria) asked Mr. Fraser whether such a loan had been made.

In 1877, Marcus Clarke made the following statement:

> The conclusion of all this is, therefore, that in another hundred years, the average Australian will be a tall, coarse, strong-jawed, greedy, pushing man, excelling in swimming and horsemanship. His religion will be a form of Presbyterianism, his national policy a democracy, tempered by the rate of exchange. His wife will be a thin, narrow woman, very fond of dress and idleness, caring little for her children, but without sufficient brainpower to sin with zeal.

Not, perhaps, a fair picture of the average Australian in 1979, but a reasonably accurate picture of a very prominent one.

The PRESIDENT: Order! The honourable member will ask his question.

The Hon. N. K. FOSTER: Is the Minister aware of a Victorian rural board benefit group, and is that board set up on the basis that it will make rural loans available to people in the rural industry in terms of need? Is the Minister aware that the Begg family, of which Tamie Fraser is a member, was granted a $250 000 loan at a low concessional rate of interest?

The PRESIDENT: Order! The honourable member's question is such that the Minister would find it very difficult to answer it.

The Hon. N. K. FOSTER: Is the Minister aware of any similar organisation being formed in South Australia as a benevolent group making loans to the wives and family interests of South Australian politicians?

The Hon. D. H. L. BANFIELD: No: I am not aware of such an organisation.

EMPLOYMENT AGENCIES

The Hon. F. T. BLEVINS: Will the Minister of Health consider requesting Government hospitals and Government-supported hospitals to stop employing part-time and casual workers from any agency that charges the employees a fee, as this practice of charging employees a fee for finding work for them is contrary to an International Labor Organisation convention?

The Hon. D. H. L. BANFIELD: I will look into the proposition put by the honourable member.

PHYSICAL FITNESS

The Hon. ANNE LEVY: I seek leave to make a short statement before asking a question of the Minister of Tourism, Recreation and Sport about the Physical Fitness Review Committee.

Leave granted.

The Hon. ANNE LEVY: I have spoken to the Minister privately on this matter. As honourable members will know, last year the Minister announced the formation of the Physical Fitness Review Committee for South Australia. Will the Minister inform the Council of what progress, if any, the committee has made in its efforts to increase community awareness of the importance of physical fitness?

The Hon. T. M. CASEY: The committee, consisting of Mr. J. Doherty (Chairman), Mrs. C. Gordon, Dr. P. Last, and Messrs. A. Sedgwick, J. Jarver and J. Daly, has already met a number of times. I sent letters to the Institute for Fitness Research and Training and to the South Australian Women's Keep Fit Association indicating the amounts of money they have received to conduct various training courses. As well, an advertisement appeared in the *Advertiser* and the *Sunday Mail* requesting people to register an interest in either the instructor's course or the two proposed refresher courses. To date, 200 have applied and others are still being received.

Letters have been sent out to 30 selected applicants who represent a wide cross-section of community interests for the first instructor's course. The others have been notified

that another course is planned for later in the year. The first of two refresher courses commenced on 18 February with an enrolment of about 45, and the second refresher course will commence on 3 March with an expectation of 30 participants. A refresher course for the elderly will be held on 22 March. It is anticipated that approximately 100 will be involved in this course.

PUBLIC ACCOUNTS COMMITTEE REPORT

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

> In view of the tabling of the Public Accounts Committee report on financial management of the Hospitals Department, this Council expresses its grave concern at the gross mismanagement in Government departments and the waste of taxpayers' funds which has been clearly shown in the evidence presented to the Public Accounts Committee.
>
> The Council expresses the opinion that further inquiry should be undertaken by a body independent of the Government and the Public Service into some of the facts revealed in the report and a full-scale inquiry into the policies of the Health Commission.

It is a sad day when a report such as this by the Public Accounts Committee is tabled in Parliament. For many years the Minister of Health and other Labor Party members in this Council have been boasting about the amount of money the Government is spending on health in South Australia and using that amount as a plus for the Government. On many occasions I have been accused, when I was Health Minister in 1968-70, of spending less than the Labor Government spent in 1965-68. Although this Government is now spending vast sums in excess of those sums that were spent in 1968-70, I am proud of the standard maintained in that period and proud of the strict control the Liberal Government maintained on health expenditure. I am also proud of the very high standard maintained and the progress made in health delivery services in that two-year period.

The Public Accounts Committee report exposes one of the reasons why this Government is spending (or wasting) more money on health. It would be very easy for me today to criticise the Minister of Health and to reduce this debate to a scathing attack on his administration. I have no doubt that, if I were in his shoes, some members of the Labor Party would be indulging in a personal witch hunt against me in relation to this report. I cannot excuse the Minister entirely, because he has boasted in this Chamber that he is proud of the expenditure in his department. That expenditure has been prodigal but I do not intend to embark on that sort of attack. I feel sorry for the Minister, because he is one who, after today or in a few days time, will take the full brunt of the Government's actions and be relegated to the back bench. That is sad, because he has been a very good Minister to work with, and I give him full credit for the manner in which he has maintained the spirit of co-operation with the Opposition in this Council. I say without any fear of contradiction that the Minister does not deserve the treatment that will be meted out to him, and that would have been said whether or not this report had been tabled because, after all, he has only been fulfilling the philosophy of his Government. The Minister quite recently took action for which he deserves credit; he did so against the wishes of his more left-wing colleagues, and that can be seen by the questions that were asked. He allowed a multi-national group to build and operate a hospital in the south-western suburbs of Adelaide. Every member of this Council knows that the questions directed to him from a certain quarter were designed to embarrass him in regard to this policy decision. This multi-national group has been taking over, purchasing, and building hospitals in Australia. One hospital that had been losing $100 000 a month was, within 12 months of being taken over making a profit of $30 000 a month.

The Hon. J. E. Dunford: How much have the charges gone up?

The Hon. R. C. DeGARIS: The charges have not gone up; it was purely as a result of management policy, and that would happen in South Australia if there was reasonable management of our hospitals.

The Hon. J. E. Dunford: What was the name of the hospital?

The Hon. R. C. DeGARIS: It is in New South Wales, but I do not know its name.

The Hon. J. E. Dunford: You never do.

The Hon. R. C. DeGARIS: If the honourable member wants the name of the hospital I will get it for him. One does not have to go to New South Wales: one has only to look at what is happening in South Australia. The Minister took a policy decision to allow this multi-national group to build a private hospital in South Australia, when the Government found that it could not finance it. That hospital will run profitably and well and will no doubt be criticised for so doing. It is not the Minister who should bear the full brunt of this scandal which has been exposed by the Public Accounts Committee report: the real culprit is the whole philosophy of this Government. I go back to the establishment of the Health Commission. Speech after speech was made in this Council warning of the dire consequences that would result if the Health Commission sought to become the godfather of health delivery services in South Australia. For years this State was delivering excellent health services at the cheapest price per patient in Australia.

The system relied primarily on keeping the economic controls close to the people, with the hospitals operating responsibly and with autonomy. The point is clear: as the financial responsibility migrated to a more bureaucratic form, efficiency has declined and costs and waste have risen remarkably. On a quick look at the figures in the Public Accounts Committee report, I would say that $15 000 000 a year could be saved by reasonable management in our hospitals system—the cost of the death duties rip-off to the taxpayers.

If there was reasonable management in the delivery of our health services, then there need be no tax on the lottery of death in this State; there would be no capital being transferred to Queensland and other places that have no death duties, and no need for people to leave this State because they no longer can afford to live here. The sum of $15 000 000 a year could be saved. On the presentation of this report, the Government has decided to establish a three-member board to examine the Public Accounts Committee report on Government hospitals. I quote from an article in the press, as follows:

> The group of three top public servants was announced by the Premier, Mr. Corcoran. "We need to see whether the report's conclusions reflect the current situation in the Health Commission or refer to past situations, now improved," Mr. Corcoran said.
>
> "I have directed that the report should be examined closely by a top-level group," he said. "This group comprises Mr. Bruce Guerin, Director of the policy division of the Premier's Department; Mr. David Corbett, Commissioner of the Public Service Board; and Mr. Tom Sheridan, Deputy Under Treasurer.

I point out that Mr. Corbett is a financial member of the Australian Labor Party; he has already conducted an

inquiry, which was a plaster cover-up, in regard to one hospital, and having this matter looked at by a committee from the Premier's Department is no more than sticking a bit of paper on the wall with a dirty brush.

The Hon. J. E. Dunford: Did you check on which Party the other two members are from?

The Hon. R. C. DeGARIS: No, but I do know that Mr. Corbett is a member of the A.L.P.

The Hon. J. E. Dunford: Do you think that that affects his work?

The Hon. R. C. DeGARIS: I am certain it does. If he was looking at was happening previously, many of these things would have been corrected, and they have not been. One cannot cover up something like this by appointing a special little committee from the Premier's Department. One has to have an independent body to examine the Public Accounts Committee report and the operations of the Health Commission.

The Hon. Anne Levy: When was the Corbett Report released?

The Hon. R. C. DeGARIS: Nine months ago. What has been going on in the Hospitals Department has been known for a long time. It is still going on, and the Government has done nothing about it. One cannot deny that there has been a gross cover-up in the department of what has occurred in the delivery of health services in this State. In my speech on the establishment of the commission in South Australia on 20 October 1976 (*Hansard* page 1655), I stated:

> 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.

What was said then has been proven true today. I continued:

> 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.

I am sorry that the Bill was not lost, because the commission has contributed to the disasters that have occurred in the delivery of health services in South Australia. In the second point I made in that debate, I stated that the commission must be under the control of the Minister of Health. While the commission has been instructed to fulfil the philosophy of this Government by gradually spreading its tentacles of control throughout the whole system, with all its inefficiencies, it has been one of the disasters confronting South Australia. I concluded:

> 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.

I made a mistake there, because it is in the immediate short term that disasters have occurred. At page 4 of its report the Public Accounts Committee states:

> The central office of the Hospitals Department, which had been primarily responsible for the management of Government hospitals, was progressively transferred in 1978 to the responsibility of the commission. The Royal Adelaide Hospital and the Queen Elizabeth Hospital were incorporated on 22 January 1979 and the Modbury Hospital was incorporated on 7 February 1979. The P.A.C. considers that the granting of autonomy to hospital boards of management is the key to overcoming the existing problems raised by the Auditor-General which have been investigated by the P.A.C.

That is exactly what I said in the second reading debate which I have just quoted. The report continues:

> The need for delegation of authority to encourage initiative was emphasised in the April 1975 report of the Committee of Inquiry into the Public Service of South Australia who also emphasised that delegation of authority must be complemented by improved systems of accountability with the emphasis on the results achieved and the services provided.

It goes on:

> The overriding conclusion of the P.A.C. is that the ineffective management of Government hospitals is mainly due to the attempt to manage from a large central office. The P.A.C. believes that the Government recognised this and introduced legislation to provide for the incorporation of hospitals and the appointment of responsible boards of management who would be given the flexibility to manage outside the Public Service system. Unfortunately, the large central office staff has been retained and as a result are still imposing Public Service-type procedures on hospital boards. This is of grave concern to the P.A.C. because the objective of the S.A.H.C. legislation was to place the management of health services as close to the delivery point as possible.

That committee is making exactly the same comments now as I made in that debate. This Council must express its grave concern. Secondly, there should be an inquiry to look into the matters that the committee cannot look at. There is no question that much of the background could not be elicited by the committee, and I give it full credit for what it has done so far. However, it cannot go further, yet there are people who have been grossly dishonest in this matter and who should be investigated further by an independent body.

As for the sticking-plaster group from the Premier's Department investigating this matter, that will not be an inquiry: as I have said, it will be plastering paper over the cracks in the wall. Unless an inquiry with some teeth can

further investigate it, we will merely cover up what has been happening and what has been covered up in the past. The real problem has not been on the shoulders of the Hon. Mr. Banfield, who has only fulfilled the philosophy of the Government and the Cabinet that he serves.

It is the tremendous control that has slipped from every Minister and into the Premier's Department, which is running this business. If more freedom was given to Ministers to make decisions, we might not have got into this position. The very thing that the Public Accounts Committee has complained about, namely, the highly centralised bureaucratic system, is an indication of what has happened to the Cabinet in South Australia.

The Premier's Department, with its millions of dollars and its policy and economic divisions, is determining the policy of this Government, and that will lead only to financial disaster. I do not throw the whole burden on the Minister in this matter: the Government itself must bear the brunt of the scandalous report that is now before Parliament. I commend the motion, and the Council should support it. We should criticise this three-man board that has been established to make another sticking-plaster inquiry into this matter.

The Hon. C. M. HILL: I support the motion and condemn the Government for its standard of administration, of which this report gives a typical example. I also condemn the Government for its reaction in appointing the committee that has been announced today, and I wholly agree with the Hon. Mr. DeGaris, as I usually do, because it is evident to members on this side that this committee will merely submit a report and fob off the whole problem.

We have had other examples of this happening. I recall the report prepared last year by Professor Corbett. That was a weak report that only touched the edges of the problem of waste in hospitals. Nothing more flowed from it. Another inquiry that the Government instigated was the inquiry into the computer scandal about 12 months ago. Whilst I am not certain about this and stand to be corrected if I am wrong, I think Professor Corbett was on that committee, too.

Perhaps the Minister can tell us about that, but that committee was appointed because there had been reports in newspapers that millions of dollars was being wasted by Government departments in connection with computers. I recall one report that, if the then Health Department or Hospitals Department had taken notice of advice and at an earlier time had altered plans regarding computers, about $1 300 000 would have been saved. Those who are bringing down that report have had time to complete their investigations, and perhaps the Government has that report but has not made it public. The Premier said when the committee was appointed that the report would be made public but late last year when, because I and many other people concerned with wastage on computers in Government departments were concerned, I asked the Minister what progress was being made with the report, he could not say whether he had received it.

That is the kind of thing that happens when the Government appoints these committees of inquiry. As the Hon. Mr. DeGaris has said, usually the same people, or people of similar status in the Public Service, are appointed to inquire, and the Government has these people under its control. The Opposition wants an independent inquiry by people who we know will not only investigate the matters but also submit a report and make it public, without fear or favour.

The Hon. J. E. Dunford: Would you put a bloke like Sir Norman Young on the committee?

The Hon. C. M. HILL: I would choose people who were capable and who were not members of the Public Service. If the honourable member is supporting Sir Norman Young's credentials in this regard, I commend him. Sir Norman Young is a self-made man. At one time, he sold newspapers. The honourable member must be commended, too, on the heights that he has reached. Sir Norman Young must be mentioned in this Council with favour. Otherwise, I want to know the reason for mentioning his name. I am suggesting that people of his calibre should be on the committee.

The committee should be appointed and should be independent. It should report to Parliament so that the people can be certain of what is going on about these losses and this wastage of public funds. I also support the Hon. Mr. DeGaris in his comments regarding the Health Commission. True, members on this side went along with the concept of a Health Commission when the legislation was introduced in 1977. However, during the Parliamentary debates, many warnings were given that basic guidelines were needed if the commission was to succeed. No sooner had the legislation been passed than the commission said, "To hell with those guidelines."

The principal guideline was that there had to be autonomy for hospital boards. The matter of that autonomy is the reason for the long delay by the commission in getting its organisation off the ground. According to information that the Minister gave me recently, to date only three hospitals have been incorporated. None of the country Government-subsidised hospitals has been incorporated. The hospitals do not want worker participation foisted on them, but this Government is foisting it on them. A Minister in another place has been insisting on that.

If we put fear in people who are on these boards and tell them the kind of control that we will insist on after we have promised them autonomy, we will be in trouble for all time. Everyone at board level loses confidence in the Health Commission and understandably becomes a critic of it. This criticism spreads, and the great central empire that surrounds the commission grinds to a halt. When that happens, we have inefficiency of the worst kind.

I said in the debate on the Appropriation Bill recently that the Minister ought to try to prune some of these autocratic controls and solve some of the problems being implanted in the Health Commission. I told him that many people who have had a knowledge of hospital administration had told me that a Royal Commission would have to be appointed to inquire into the whole matter. The Minister pooh-poohed me, and I think he said that there was not anything to fear. However, these people could see where what was happening was leading. Now we have a climax, with the report, comprising 221 pages, being tabled in the other place yesterday.

So, the Health Commission has not succeeded. It has not delegated authority to the grass roots of all health activities, to the Health Commission centres or to local government. It is still trying to impose autocracy: it is trying to get control of the boards before it moves further.

For that reason, we are so far behind in the programme, as the Health Commission expected to have bodies incorporated on 1 July last. I hope that, if an independent body is set up, it can extract all the references to the Health Commission from the Public Accounts Committee report and deal with it. It can X-ray the commission and make recommendations so that, in effect, the Government of the day can start all over again in relation to the establishment of an organisation that ultimately should be able efficiently and economically to administer this State's health and hospital services. This will not be achieved with

the present administration: that is evident as a result of the report that is now before honourable members.

It is proper that some references from the report should be placed on record in a debate of this kind. The Government is being condemned in this motion as a result of the contents of the report. As it is a long report and has been in members' hands for a relatively short time only, it is impossible for members to have made a detailed study of it. However, if one looks at the conclusions and recommendations contained in the report, one sees the following pertinent paragraph:

> The overriding conclusion of the P.A.C. is that the ineffective management of Government hospitals is mainly due to the attempt to manage from a large central office. The P.A.C. believes that the Government recognised this and introduced legislation to provide for the incorporation of hospitals and the appointment of responsible boards of management who would be given the flexibility to manage outside the Public Service system. Unfortunately, the large central office staff has been retained and as a result are still imposing Public Service type procedures on hospital boards. This is of grave concern to the P.A.C. because the objective of the S.A.H.C. legislation was to place the management of health services as close to the delivery point as possible.

That is a concise paragraph, expressing the fears of the committee, which, after its long inquiry, made this statement.

The Hon. M. B. Cameron: And it's a Government nominated committee.

The Hon. C. M. HILL: Yes, that point should be made. The Labor Party has a majority on this committee.

The Hon. C. J. Sumner: Of course we have, and you're telling us that we're covering the thing up. What sort of cover-up is that?

The Hon. C. M. HILL: The Government had done nothing about this matter, and this report has blown the lid off it. I commend the three Labor Party members, along with the two Liberal Party members from another place, for having the courage that they have displayed in producing this report.

This matter stretches back for years. When reports by the Auditor-General have been issued each year, Opposition Council members have brought the Auditor-General's criticisms to the notice of the Minister and, therefore, of his department. However, those concerned do not seem to be able to solve this problem. The third paragraph referring to the criticism of the Auditor-General is as follows:

> The Hospitals Department has failed to respond to the soundly-based criticism contained in the auditor's report.

That is very strong condemnation indeed. Then, statistics are produced that provide a scandal in relation to staffing investigations. These are dealt with under the heading "Staffing Investigations", as follows:

> The staff employed in metropolitan Government general hospitals increased from 3 981 as at June 1967 to 10 137 (159 per cent increase) as at July 1978 while the average daily in-patients increased from 1 515 to 1 937 (28 per cent increase).

The Hon. M. B. Cameron: A bit of a disparity!

The Hon. C. M. HILL: Yes. The report continues:

> In metropolitan psychiatric hospitals staff increased from 1 158 as at June 1967 to 2 227 (92 per cent increase) as at July 1978 while the average daily in-patients decreased from 2 164 to 1 605 (26 per cent decrease). The staff employed in central office increased from 91 as at June 1967 to 278 (205 per cent increase) as at July 1978. While evidence was tendered to justify some increase, the P.A.C. is concerned that the Hospitals Department did not know how many approved staff positions there should be in the department as at February 1978. Staffing investigations had been carried out in some areas and staff reductions which would have saved several million dollars a year were recommended but not implemented.

What can be more damning than that? Under the conclusion headed, "Food Costs and Meat Usage", the report states:

> The P.A.C. investigations illustrate the total lack of control the Hospitals Department had over costs. For several years prior to April 1975, wholesale pilfering of foodstuffs was taking place at the Northfield Wards, and in the final year losses due to pilferage and wastage were approximately $100 000. The P.A.C. is concerned at the misleading information supplied in evidence under oath by Mr. M. R. Baker, a Senior Administrative Officer in the department who was involved with the investigations in 1975, which were poorly handled in view of the extent of foodstuffs pilferage suspected.
>
> The P.A.C. considers that the department was blatantly irresponsible for not improving controls over foodstuffs at other hospitals after the Northfield Wards episode, particularly as reports had been made late in 1974 about alleged pilfering of foodstuffs from the Glenside Hospital. A lengthy investigation in 1978 by the Fraud Squad, directed mainly at the Q.E.H., did not find any evidence of foodstuffs pilferage but there was excessive wastage. Although a committee of the Public Service Board has undertaken to improve controls over the use of consumables in hospitals, the P.A.C. considers that long-term improvements will only be achieved by on-the-job management.

The Hon. R. C. DeGaris: Someone must have got the tip-off that they were coming.

The Hon. C. M. HILL: Yes. That matter is dealt with in considerable detail later in the report. The report also touches on the Frozen Food Factory at Dudley Park, as follows:

> On 19 September 1974 the Parliamentary Standing Committee on Public Works approved the building of a $4 500 000 Frozen Food Factory to produce 25 000 complete meals per day to supply metropolitan Government hospitals on the justification supplied by the department that savings in excess of $1 000 000 a year, based on 1971-72 costs, would be achieved in metropolitan Government hospitals. Of this amount, it was estimated that R.A.H. would save $539 000 a year.
>
> The factory cost $9 200 000; equipping of hospitals is estimated to cost $1 900 000; the latest revised demand from metropolitan Government hospitals requires a production of approximately 10 000 complete meals per day. Based on three months usage, R.A.H. has estimated additional catering costs, since the change-over to frozen meals, of $126 000 for the three months to 29 December 1978, while the Frozen Food Factory has budgeted for an operating deficit of $700 000 this financial year.

Those paragraphs provide examples of what is heaped into this 221-page report. I am satisfied that the South Australian public expects the Government to be condemned over this whole matter. That condemnation is reflected in today's press. Never before have I seen a newspaper that takes a report and condemns the Government so roundly. An article, headed "Massive waste reported in hospitals", on the front page of today's *Advertiser* states:

> ". . . investigations illustrate the total lack of control the Hospitals Department had over costs." . . . A Parliamentary committee which investigated South Australian Government hospitals has discovered massive waste and pilfering of food, overstaffing and poor financial control.

The editorial in today's *Advertiser* soundly condemns the Government and the Minister of Health in regard to this matter. There are pages and pages of criticism about the

whole issue. The following headings appear on page 8: "Man 'seen taking goods to restaurant' "; "Angry scenes in Parliament"; and "Hamburger use questioned". On page 9, under the heading "Specialists dodge charges: report", an article states:

> Some specialists at the Flinders Medical Centre have been charging patients for facilities and resources at the centre even though the specialists are not charged for them by the hospital.
>
> The Public Accounts Committee says in its report it is deeply concerned at the practice.
>
> The committee also says it is deeply concerned at the lack of control exercised by the Hospitals Department over the rights of medical private practice in Government hospitals.

We can see the breadth of this matter. New areas of inquiry arise, and ony a completely independent approach will satisfy the South Australian public. On page 9 we also see the following headings: " '10 years of waste' on frozen food"; "Salaries 72 per cent of hospital costs"; and " 'No attempt' to cut cleaning by $1 000 000". On page 10, the following heading appears: "Hospital waste massive—report".

The Government cannot fob off a matter of this kind simply by coming to Parliament on the last day of the session and saying it has appointed a Public Service committee to look into the matter and then, according to the Government, all will be well. That has been said about matters far less important than this one, and nothing has come out of such inquiries. The Government's tactic is to appoint its own committee from its own Public Service. It will see to it that the matter will gradually die. The public of South Australia will not forget this matter for a long time; nor should they, because it is their money that is being wasted, after administrative decisions have been taken against advice by experts and the Auditor-General. There is no doubt that the matter ought to be taken further.

I refer now to the manager of Ayers House, who was also mentioned in the press report. The Public Accounts Committee report is now a public document, parts of which leave a cloud over that gentleman and over the whole episode relating to Ayers House. It is proper that a far deeper inquiry should be undertaken to explain all the circumstances surrounding the matter. Now that the information disclosed in the report is public, the matter should not rest until it has been thoroughly investigated by a committee with much greater status than the one proposed by the Government.

The people of South Australia are convinced that this is the worst report issued since the Labor Government came to office in 1970. It is the most critical report issued about a Government and its administration in the history of this State, and the Government must answer for it. The Government stands condemned for what is in the report, and the public will not have any further confidence in the Government and its administration from now on, as a result of this report. Although the people generally may have to wait for a year or two to express their opinion on the total scene in South Australia, the people of Norwood will certainly have an opportunity to express their opinion at the Norwood by-election. They will rebel against the Government and make their voice heard on 10 March. I support the motion.

The Hon. M. B. CAMERON: I support the motion. It is rather significant that on this occasion we have not had the Government talking as it has done in the past: it has not used the term "sausagegate". Now, in spite of what was said earlier, we have a 221-page document that totally condemns the Hospitals Department. In the middle of an election campaign, when the then Premier (Hon. D. A. Dunstan) was challenged about food costs at Northfield Hospital, he replied (and I quote from the *Advertiser* of 6 September 1977):

> The matter was referred to in the Auditor-General's Report. It was then taken up by the Parliamentary Public Accounts Committee, which has discovered no impropriety.

I do not know where he got his information. We all know now that there was no report ready at that stage. Now, we have a 221-page report that is full of examples of impropriety, scandalous misuse of taxpayers' funds, and scandalous mismanagement of a Government department. Like the Hon. Mr. DeGaris, I believe it is sad that this occurs on the Hon. Mr. Banfield's last day in this Council as Minister of Health.

I hope that the Minister accepts this in good spirit, because I mean it. In all the dealings I have had with him, and some have been on a very confidential nature, I have found him, as a politician, to be absolutely upright, and I say that in all sincerity. I find it somewhat sad that, on the last day the Minister will be on the front bench, it is necessary to condemn the Government through his department. However, I agree with what the Hon. Mr. DeGaris said: that is, that the Government has directed the policies and it is a Government that must be condemned. One could read the whole 221 pages of the report and, if the public could read them they would not sit back and say, "Isn't that terrible." They would be demanding the resignation of the Government, because there is in it total condemnation of the Government, not only by the words in it but also by the Public Accounts Committee itself. It is a Government nominated committee: I do not say that in the sense that it uses its numbers on it, as they have certainly brought every matter forward. There are some matters that should have gone further, but I accept that the committee has staff difficulties.

The Hon. C. J. Sumner: I thought you said it was a cover-up.

The Hon. M. B. CAMERON: It certainly has been a cover-up because the Public Accounts Committee has not been allowed to report publicly and that is what has to happen from now on.

The Hon. C. J. Sumner: What do you think it is doing now?

The Hon. M. B. CAMERON: Yes, three and a half years after the event! If all these matters had been brought into the open in the beginning, they would not have continued to occur and action would have been taken. Honourable members opposite realise that, and they know that no Minister could have accepted all the criticism every time the committee sat without doing something about it and the Government would have been forced into action. However, as the Public Accounts Committee sits behind closed doors, nothing is known until the report comes out. The public of South Australia are informed three and a half years later. In the meantime, how much has been lost? Between $14 000 000 and $20 000 000 a year is the estimated amount lost, and I do not doubt that at all. As the Hon. Mr. Hill said, $1 000 000 a year is spent on cleaning at the Royal Adelaide Hospital. What about the poor old ladies with their water rates rip-off having to pay for the waste in this department?

Time after time we have heard Ministers condemn the Federal Government for not giving enough money to health. The Commonwealth Government must be laughing at us and, after this report is read, it would be fully justified in saying, "We will have to cut our expenditure to force you to be efficient."

It is an absolute scandal. It is interesting when reading

the report to see the ineptitude with which the Government handled the situation. At Ayers House a Mr. Kennedy was apprehended as a result of a police investigation. On 12 November 1978 the Public Accounts Committee examined Detective Senior Constable Mead of the Criminal Investigation Branch, and I quote from his evidence, as follows:

QUESTION: Who supplied you with most of the background information on alleged pilfering of foodstuffs from Glenside and Northfield?

ANSWER: (Detective Mead) Mr. Baker from the Management Services of the Hospitals Department gave me 99 per cent of my information.

QUESTION: Why did you stop making observations for the suspected vehicles to leave the Glenside Hospital?

ANSWER: (Detective Mead) I never started making observations.

QUESTION: How many people were suspected of pilfering foodstuffs from the Northfield Wards?

ANSWER: (Detective Mead) I had the name of one firm suspect, but there was quite a possibility that many persons were involved.

QUESTION: And that person's name is?

ANSWER: (Detective Mead) William Kennedy.

QUESTION: When did you commence observations of the vehicle suspected of being used to transport pilfered foodstuffs from Northfield?

ANSWER: (Detective Mead) The only time I ever saw the vehicle used was at the time of Kennedy's arrest. Each time prior to that I had waited for the vehicle, he came in some different vehicle. I had never seen him, and we missed him on a number of occasions.

QUESTION: In observing the vehicle or vehicles, where did you actually observe them?

ANSWER: (Detective Mead) I was waiting at the grounds of Ayers House Restaurant on North Terrace, usually on a Friday, for Kennedy to arrive. From memory, he came in different cars, and that was the first time I saw the correct vehicle we were waiting for—the day he was arrested.

QUESTION: You said earlier there was more than one vehicle used?

ANSWER: (Detective Mead) Yes, there was apparently. He came on one occasion when I was there. I do not know what he looked like. I was looking for a certain vehicle to enter the grounds. He came in something else.

QUESTION: You would have arrested him on that occasion if you had known?

ANSWER: (Detective Mead) I do not know about arresting him. I certainly would have made some observations as to what he unloaded from the car. The reason for waiting at Ayers House was to find out if he unloaded anything. If he did, what he did with it, his apprehension and the apprehension of the receiver at Ayers House.

QUESTION: How were you aware that Kennedy normally delivered foodstuffs at Ayers House early on Friday morning?

ANSWER: (Detective Mead) Because I had been told by Mr. Baker, who in turn had his informant in the staff of Ayers House.

QUESTION: That was his normal visit?

ANSWER: (Detective Mead) On a Friday; one Friday I was there, they came on a Thursday. It was fairly normal for Friday, but there were liable to be small variations any time.

QUESTION: When you set the trap at Ayers House in which Mr. Kennedy was caught, how many police officers were involved, and were they located in the grounds of Ayers House?

ANSWER: (Detective Mead) On that particular occasion I was at Ayers House by myself due to manpower commitments. I was stationary outside in the plain police vehicle. When Kennedy entered the grounds in his car I walked in and made observations from the grounds. Due to an unfortunate accident he did not follow what I was given to understand was his normal routine. It was just one of those quirks of fate.

QUESTION: What was his normal routine?

ANSWER: (Detective Mead) I understand it was to drive in one gate, drive down to the back and park next to the loading area of the kitchen, which is probably known as the rear door, then take the property that he was going to leave out of the boot and walk it straight through the back door. On this occasion a customer had reversed a car over a small tree the previous night and the star dropper holding the tree had ruptured his petrol tank when he ran over it so that on this particular day all the staff were trying to remove the car from the stake. When Mr. Kennedy arrived he went over to give a hand, so instead of walking into the kitchen, which was his normal practice, he complicated my job be spending half an hour or so helping to remove the car.

I was approached on two occasions about my presence but was able to pass it off. Then I was approached by the manager who asked me what I was up to, so I had either to do something or leave. I had to identify myself and Kennedy was apprehended with the gear in the car, but there was no receiving on that day.

I do not quite understand why Detective Mead, at that stage, found it necessary to identify himself as a police officer when he was there obviously seeking information in his capacity as a detective. One can be assured that no further receivals (if there were any) were made at Ayers House. There is a very large question mark over this matter because Mr. Kennedy was a part-time employee at Ayers House.

According to Mr. Baker's evidence, an employee of the hospital had been seen getting free drinks after delivering goods to Ayers House. That information is disclosed in the evidence. All that is left suspended over the top of people. Mr. Cramey is in the position where he has to deny it through the newspaper. Why have we not had a proper investigation? Why was the investigation mucked up, as it obviously was, so that these people are totally clear?

The Hon. C. J. Sumner: Are you blaming the police—

The Hon. M. B. CAMERON: In this case I have some condemnation of that action.

The Hon. C. J. Sumner: Are you saying that Detective Mead did not do his job?

The Hon. M. B. CAMERON: The report of the transcript and the questions asked of Detective Mead are as follows:

QUESTION: Do you think, on reflection, it would have been better if you had left?

ANSWER: (Detective Mead) Not in view of the manpower problems, bearing in mind that I was by myself at that stage.

QUESTION: You didn't have to identify yourself?

ANSWER: (Detective Mead) I could have left: the options were open to leave and try again on another week, but bearing in mind I was by myself on that day and that there was nobody to go with me, that the inquiries had been dragging on for some weeks and that normal routine work was piling up, I think I might have been instructed to leave it if I had not come up with results on that day.

Had the detective been told that, if he did not complete the case that day, he would be taken off the job? There was obviously pressure on him according to that comment.

The Hon. C. J. Sumner: Are you critical of the police?

The Hon. M. B. CAMERON: No, but I am critical of the people directing the police, and I do not know who they are. The report states that when Mr. Kennedy was apprehended he had six cans of Admiral brand tomatoes

in the boot of the car he had been driving and, according to a police report of 29 November 1978, Mr. Kennedy sold that car in 1974. The report states that Mr. Kennedy admitted to Detective Mead that he had taken the tomatoes from the Northfield Wards and, when he was asked what he was going to do with them, he said that he was going to bottle them.

Advice received by the committee indicated that canned tomatoes could not be bottled. When his house was searched, Mr. Kennedy also admitted to stealing 20¼lbs. of meat found stored in his refrigerator. He was charged with those two offences, yet after he was apprehended meat consumption at Northfield Ward dropped from 5 500 kg a month to 3 500 kg, but he was charged in respect of the 20¼ lbs. From what I have been able to ascertain from the evidence, from that time the Government was satisfied that the matter was dealt with.

The Hon. J. A. Carnie: But there was a reduction of 2 000 kg a month.

The Hon. M. B. CAMERON: Yes. That is almost a semi-trailer load a year: 28 tonnes of meat a year was disappearing, but the Government was satisfied. According to the evidence given to the committee, the Government knew that was going on for five years. That evidence was given by Mr. Baker, who has also been referred to earlier. Several people in the Public Service have much to answer for. I refer to the letter of 17 February 1978 from the committee to the Minister of Health, which states:

> The committee is naturally concerned at the lack of accountability over meat consumption at the Queen Elizabeth Hospital, particularly in view of the early assurances given in evidence to the committee on the importance of meat consumption records. We do not believe that their reply dated 23 December 1977 explains the excess meat usage of 31 tonnes as calculated for the six-month period April-September 1977.

The 31 tonnes of meat makes the Northfield effort almost pale into insignificance. The letter continues:

> These calculations have also assumed that every in-patient has two meat meals daily but it has since been pointed out that approximately 30 per cent of in-patients would not order meat meals for various reasons.

That is less than the actual loss that might have occurred. The report, in respect of its Glenside inquiries, states:

> On 19 September 1978 the P.A.C. took evidence from Mr. W. R. C. Feckner, a works study officer from central office who carried out a work study into the Glenside kitchen in November 1974. Between 5.30 p.m. and 5.45 p.m. Mr. Feckner observed a white Valiant utility being loaded to the axles with boxed tinned goods and bags of flour from the dry goods store. He later saw the vehicle drive out of the north gate. Mr. Feckner made some inquiries and then reported the incident to Mr. Baker. By letter to the P.A.C. dated 23 November 1978, Dr. Hoff stated that he was not aware of the incident and he did not think it was possible that goods in such quantities would be delivered to St. Corantyn Clinic or Carramar Clinic, especially at the hour mentioned. The incident had not been reported to Detective Mead.

In other words, it was not considered serious enough to report. The report continues:

> Also, in November 1974 Mr. Feckner reported excessive quantities of foodstuffs being taken out on buses when patients were taken on trips:

The Hon. R. A. Geddes: Where did they take them?

The Hon. M. B. CAMERON: To the Botanic Garden. The transcript of the meeting with Mr. Feckner is as follows:

> QUESTION: What was the nature of the discrepancies?
>
> ANSWER: (Mr. Feckner) One day it was 11 patients to 250 hamburgers.

Very hungry people at Glenside go on a bus trip, or they meet many friends along the road. The transcript continues:

> QUESTION: Did you find any people who were quite free in providing you with information when you inquired about this excessive number of hamburgers?
>
> ANSWER: (Mr. Feckner) It was a standing joke with everyone about the amount of food going out.

It was a standing joke to everyone except the taxpayer, who is paying for it. If that was the general attitude at the hospital, it is not a standing joke at all. It is a total condemnation of the people administering the system.

The Hon. C. J. Sumner: A few of them might find themselves without jobs, too.

The Hon. M. B. CAMERON: That is an interesting comment. The report continues:

> As Detective Mead did not visit Glenside until 26 February 1975, which was three months after the reports made by Mr. Feckner, it would appear from evidence supplied that the decision to call in Detective Mead was only made after the tip-off was received from Ayers House.

In evidence Detective Mead stated that people at Northfield knew 10 minutes after Mr. Kennedy was apprehended what had happened, and from then on there was no more pilfering of large quantities of foodstuffs. How did they get the message? Who gave it to them? It could not have been either Kennedy or Detective Mead, because Kennedy was being arrested in the grounds of Ayers House, and Mead would not have given the tip-off. This serious question should be answered.

The Hon. D. H. L. Banfield: Did not the committee answer it?

The Hon. M. B. CAMERON: No, it was too late. That is stated in its evidence. The committee states that it was misled by Mr. Baker to the point that, when it decided that the information was not good enough and it should go and look again, it was too late to get that evidence. That is a sad indictment of whatever occurred.

The Hon. C. J. Sumner: We can read the report. I have it here.

The Hon. M. B. CAMERON: You are lucky, because copies have been restricted. The people also want to read it.

The Hon. C. J. Sumner: They can read it. It will be printed.

The Hon. M. B. CAMERON: Another interesting point should be answered. Perhaps it is a reflection on a person, but the solicitor who acted for Mr. Kennedy acts for Mr. Cramey, from Ayers House. I want to know whether there is any connection there.

The Hon. D. H. L. Banfield: Is that a slur on the profession?

The Hon. M. B. CAMERON: No, but I want to know whether there were any connections between Mr. Kennedy and Mr. Cramey. If there were, I want to know what they were. If there was no connection, let us know that. I am not prepared to accept the report in the newspaper today that Mr. Cramey said that there was no connection. The man worked at Ayers House and he was unloading supplies, which Mr. Cramey said were from wholesale suppliers. Let us have the matter examined.

The Hon. C. J. Sumner: Can't the Public Accounts Committee do that?

The Hon. M. B. CAMERON: No, because it has not the power. If it had the power, it would not have sufficient staff. The inquiry that has been started is not sufficient. It will only look at the background.

The Hon. C. J. Sumner: Whom do you suggest?

The Hon. M. B. CAMERON: The honourable member

has said that some people may lose their jobs over this. If that is to happen, we want to know that the right people lose them and that all the facts are found before they lose their jobs, because all that must be known before action is taken. Let us have a proper inquiry. I would go so far as to say that we should have a Royal Commission, but that is a matter for the Government to decide about.

The Hon. D. H. L. Banfield: You were against a Royal Commission previously.

The Hon. M. B. CAMERON: Yes. The report of the Public Accounts Committee also states:

> As Detective Mead did not visit Glenside until 26 February 1975, which was three months after the reports made by Mr. Feckner, it would appear from evidence supplied that the decision to call in Detective Mead was only made after the tip-off was received from Ayers House. This would also explain why Detective Mead was not told about the incidents reported by Mr. Feckner. As stated by Detective Mead in evidence to the P.A.C., the purpose of his visit to Glenside was to have certain people identified to him. Unfortunately the arrival of Sergeant Whitcomb at the Glenside kitchen in a police vehicle with a police driver blew his cover.

What occurred there? I want to know why the sergeant and his driver appeared in uniform, in a police car, just at the time Detective Mead started his investigation at Glenside. I hesitate to imply anything, but it leaves a nasty taste in the mouth. There may be a simple explanation but, if there is, I would like to know what it is. There is more in that, at least on the surface, than has been said already. We can go on and on.

For instance, at Flinders Medical Centre it has been policy and a requirement of specialists attending to certain patients that they can have privileges in relation to private patients and can perform services on a certain number of private patients. When the Public Accounts Committee was taking evidence on this matter, it was found that the Flinders Medical Centre staff could not pay money into the Charities Fund, because the centre had not been proclaimed in that regard. Two members of the staff had offered money but they were told that the money could not be accepted, because Flinders Medical Centre had no facilities for taking it. The taxpayers could not get the money, but two members of the staff offered it.

The Hon. D. H. L. Banfield: Was that money paid into another fund?

The Hon. M. B. CAMERON: I am not concerned about that. No action was taken to proclaim Flinders Medical Centre to enable that money to be paid in. Only two members of the staff offered the money, yet, as I understand the evidence given to the committee, 20 per cent of the patients were under private treatment. The committee's report is a total indictment of the management by this Government, the Health Department, and the new Health Commission.

The only thing to do is to repeal the Act, abolish the Health Commission, and start again, because otherwise we will not get anywhere. There is central control, and I would not blame any country hospital for refusing to be incorporated, because the hospital would be in a state of disaster if it did incorporate. The Public Accounts Committee referred to directives from central office and said that it was impossible to have central control and introduce local autonomy in those hospitals.

This Government set out to change a good system of health care, and it has almost destroyed it. The Government certainly has destroyed the sound economic base of the system and it has destroyed every part of financial management, because it has allowed management to get right out of control. The Government is failing dismally in controlling expenditure, in every department and it must totally reverse its thinking on health care. This document contains too many unanswered questions and I cannot imagine any worse indictment of the Government.

The Hon. C. M. Hill: Anywhere in Australia.

The Hon. M. B. CAMERON: Yes. If this had happened anywhere else, people would be resigning all over the place. If it had happened under a Liberal Government there would be problems for the people concerned. It is not proper for a Government to stay in office when it has the kind of management that has been outlined. This Government will get its answer from the people, but it is now too late. The people of South Australia have faced tax rise after tax rise. There have been increases in water rates.

The Hon. R. C. DeGaris: What Dunstan called the rip-off.

The Hon. M. B. CAMERON: Yes, he was always on about rip-offs. The biggest rip-off is that the taxpayers' funds have been wasted in a way that would not be allowed in any private enterprise. The Government must truly be embarrassed. I repeat that I am sad because this has occurred on what is the last day in Parliament for the Minister of Health. I accept that it is a thing that one has no control of in politics. Nevertheless, through the Minister the Government has created a situation of total disaster for the hospital system in South Australia. Part of a letter from Mr. John Bailey, Secretary of the South Australian Hospitals Association, states:

> This association is incensed at the disclosure of wasted funds by Government hospitals when our country hospitals have had to accept severe budget constraints. We would press strongly that the obvious savings available be used to alleviate the position of the country hospitals that are being starved of essential funds.

I do not blame the association for feeling like that, because it has been told time after time that the reason why it is not getting money is that the Federal Government will not give the money. Now the real reason has been exposed. It is not the fault of the Federal Government: the cause is this State Government and its total waste of money in South Australia. The Government stands roundly condemned for what it has done and also for what it has not done.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government will not be supporting the motion. However, that does not mean that it is not concerned about what the Public Accounts Committee has said. Indeed, the Government is very concerned about it and has taken strong action in this regard. In fact, action was taken before the committee made its report.

The Hon. M. B. Cameron: I should hope so; it has taken 3½ years.

The Hon. D. H. L. BANFIELD: Will the Hon. Mr. Cameron say who delayed the Public Accounts Committee's sittings? It was none other than the Hon. Mr. Cameron when, at the last election, he directed two of his colleagues who were members of the committee to resign from it. It so happened that that action coincided with a State election; that action was taken for no other purpose. The honourable member threatened his colleagues that, if they did not get off the committee, they would not be re-endorsed.

The Hon. Mr. Cameron also wanted to know how much money was wasted during the term of the committee's hearings. However, it was the honourable member who delayed the committee's investigations. So, how sincere is the honourable member regarding this matter? The Government has opposed the motion not because mismanagement has come to light: that mismanagement

came to light long before the Public Accounts Committee dealt with the matter.

The second part of the motion is that the Council express the opinion that further inquiry should be undertaken by a body that is independent of the Government. However, the Government has already set up a committee to inquire into the matter.

The Hon. R. C. DeGaris: That doesn't satisfy us.

The Hon. D. H. L. BANFIELD: Of course it does not. I thought that the Leader was a little hard on David Corbett, because that gentleman is unable to answer the Leader. However, I suppose that that is fair enough and that the Hon. Mr. DeGaris thought that he had to express his views. I do not condemn him for that, although it is unfortunate that, because David Corbett is a public servant, he cannot reply to the points made by the Leader. That is, I suppose, the way that the penny drops.

I now refer to the members of the committee. It comprises Mr. Bruce Guerin, David Corbett and Tom Sheridan. Also, Sir Norman Young has been co-opted as a consultant to the committee. Members on both sides of the Council know of Sir Norman Young's abilities.

The Hon. M. B. Cameron: What about the other three?

The Hon. D. H. L. BANFIELD: We have the greatest faith in them.

The Hon. M. B. Cameron: Good on you, mate.

The Hon. D. H. L. BANFIELD: I ask the Hon. Mr. Cameron to tell me what is wrong with Tom Sheridan, who is a highly respected member of the Treasury Department. Despite the reflection cast on David Corbett by the Leader, the Government has the highest respect for the gentleman and his ability. The same applies to Bruce Guerin. The Government is confident that the investigations conducted by these people will be thorough and positive, especially with Sir Norman Young acting as consultant to the committee.

I did not hear one word said against Sir Norman, and I was surprised to hear of the possibility of a reflection being cast on any of the other committee members. I regret the reference made by the Leader to David Corbett. The Government was at least pleased to receive the Public Accounts Committee's report.

The Hon. M. B. Cameron: I bet!

The Hon. D. H. L. BANFIELD: Despite what the Hon. Mr. Cameron says, that is the truth. Of course, there are in the report things of which no-one could be proud.

The Hon. M. B. Cameron: It's absolutely dreadful.

The Hon. D. H. L. BANFIELD: I ask the Hon. Mr. Cameron who set up the Public Accounts Committee. It was done by none other than the present Labor Government for this very purpose. Who tried to get the former Liberal Government to set up such a committee? It was none other than the Labor Party when it was in Opposition previously. The former Liberal Government was not willing to appoint such a committee, and it made no attempt to do so.

Following this report, the Government has set up a committee in order to correct the criticisms referred to in the P.A.C.'s report. What part did the former Liberal Government play when the Labor Opposition suggested for years that a Public Accounts Committee should be set up? Despite Labor Party requests, the former Liberal Government took no action at all in this regard.

The Hon. R. C. DeGaris: Who introduced the Bill?

The Hon. D. H. L. BANFIELD: Mr. Bill Nankivell introduced it, with the Labor Government's support. He could not have got the Bill through without that support. Who supported such a Bill when the Labor Party was in Opposition? It certainly was not the Liberal Government, because it would not have a bar of the matter. It was left to the Labor Government to support a private member's Bill so that the committee could be established.

The Liberal Party has never suggested that it was its policy to appoint a Public Accounts Committee in South Australia. When Mr. Nankivell introduced his Bill, the Labor Government could have opposed it. Because it had the numbers, the Government could have thrown out the Bill. However, that did not happen. Let there be no mistake, therefore, regarding this matter: the Government is pleased that the Public Accounts Committee has made this report. However, the Government is not pleased that it is not given credit for taking action on the matter well before the committee made its report. The Government could not wait for the committee's report before taking action, in case other members might have been directed by members opposite to resign from the committee, as happened previously.

The Hon. Mr. DeGaris said that he could not excuse me, as Minister, because from time to time I had referred to the positive things that had been undertaken by this Government. However, why should I not be proud to announce positive steps taken in the health area by the Government since it came into office? What a mess the health area was in when the Labor Government came into office.

The Hon. R. C. DeGaris: Oh, good Lord!

The Hon. D. H. L. BANFIELD: It is all very well for the Leader to say that. Obviously, the Leader was pleased with the conditions that obtained at Glenside and Northfield Wards, where not a new building had been constructed for 50 years. Did the Leader, when he was Minister, see the stinking wards at Glenside? What action was taken regarding them? That was a damn disgrace to this State, and no Minister of Health could have held up his head while those conditions obtained in this State.

So, I will continue to proclaim the steps taken to improve South Australia's health services. Our services are praised not only in this State but in every other State. So, why should I not be pleased? It is a pity the Public Accounts Committee did not pay more attention to the pluses. The committee referred to an increase in staff but, if we are to provide added services, we need more staff. We are prepared to do that in the interests of the patients. I want to ensure that the figures presented by the committee give the right picture. The committee has referred to a large percentage increase in staff between 1967 and 1978. Why should there not be more staff?

The Hon. Mr. Hill has suggested from time to time that we should build a hospital at Christies Beach. Does he believe that such a hospital should have no staff? The Hon. Mr. Dawkins has suggested increasing the size of Modbury Hospital. Does he believe that that can be done without additional staff? I know what was done in the past at Glenside to reduce staff: they had the patients on their hands and knees scrubbing the floors. In those days the patients at Glenside Hospital were nothing more than prisoners, and they had to earn their keep. South Australia had the worst services of any State before the Labor Government took them over. The staff had to be increased.

The Hon. M. B. Cameron: Do you support the present level of staffing?

The Hon. D. H. L. BANFIELD: I support giving services to patients. I would much sooner have 100 extra staff members than have a deficiency of 10 staff members. If there is understaffing, the services to the patients must deteriorate. The committee has referred to a large percentage increase in staffing between 1967 and 1978, and the committee compares it with the number of in-patients. That is the committee's thinking, but let us think

of the vast increase in the sophistication of our hospitals, where advanced heart surgery is now almost a matter of routine, and transplant operations are performed with high rates of success. Do honourable members opposite believe that we should not have staff in those areas? Of course not! Road accident victims are given the full range of medical and surgical support, which was not available a number of years ago. Why were such facilities not available then? They were not available because Liberal Governments would not provide the staff. Does the Public Accounts Committee say this? Of course not! If the committee had been sincere it would have told us why the staff had increased.

The Hon. M. B. Cameron: The committee had Government members on it.

The Hon. D. H. L. BANFIELD: I am saying that the report has not gone far enough. Does it tell us about the better facilities that have been provided? We have built Modbury Hospital and Flinders Medical Centre, which had to be staffed. Why was that not recognised by the committee? Years ago, our nurses were required to work a 48-hour week on a mere pittance from a Liberal Government. Members opposite are obviously proud of that. The Labor Government is prepared to pay the nurses what they richly deserve, but that is not the attitude of members opposite. They believe that, if a nurse is providing a service to the community, that should be her only reward. Today, nurses work a 40-hour week, but members opposite tried to deny them that.

The Hon. M. B. Cameron: The ones who have a job.

The Hon. D. H. L. BANFIELD: I could tell the honourable member about the thousands of people who have been thrown out of work by Mr. Fraser. We are proud of the steps taken to upgrade health services.

The Hon. M. B. Cameron: And the waste?

The Hon. D. H. L. BANFIELD: The honourable member has not got a bad waist himself! Let us not forget the large sum being spent to purchase and equip a jet plane for Mr. Fraser's overseas jaunts. For members opposite to attempt to tell us that there is no wastage by Liberal Governments—

The Hon. R. A. Geddes: Mr. Whitlam did not waste any money, either!

The Hon. D. H. L. BANFIELD: I thank the Hon. Mr. Geddes for giving him that credit. What has happened in relation to nurses, and why does there have to be extra staff? If members opposite disagree, why do they not get up and tell me? Under the Liberal Government the nurses had to do their training in their own time. We believe that if we are training people it should be done in the employers' time, as in the case of apprentices.

The Hon. M. B. Cameron: What is the waiting list for training?

The Hon. D. H. L. BANFIELD: There is none. As a result of action taken by this Government, we can now give interested people the necessary training. We could not get sufficient people to train previously, because of the conditions existing under the Liberal Government, but today people are most anxious to train as nurses. Since Labor has been in office, nurses' awards have provided almost double the amount of recreation leave, and nurses in training now devote 1 000 hours of paid time, whereas previously it was only 250 hours. We now have much better trained, more competent and more knowledgeable nurses. The standard of care they provide has risen considerably but the Opposition chooses to pass over those factors and pretend they do not exist. I wonder why!

It is obvious that the Public Accounts Committee is not prepared to give recognition to that point and admit that nurses should be trained to the highest standard. In its report, the committee says that, of the large number of student training nurses taken on at the Royal Adelaide Hospital, only 25 per cent are subsequently employed there. What significance does that have, when the Royal Adelaide Hospital is a training hospital to which these people go, as well as to certain other hospitals, to receive their training and from which they can go out into the community and to other hospitals? Would honourable members suggest that, because nurses are trained at the Royal Adelaide Hospital, it has to employ them? What would happen in other areas if various hospitals had to train their own staff?

The Hon. M. B. Cameron: Are you beefing at Charlie Wells?

The Hon. D. H. L. BANFIELD: No. I am referring to the implication in the Public Accounts Committee's report and pointing out that the services provided by the training of nurses at the Royal Adelaide Hospital and the actual training of nurses there is the best in Australia.

The Hon. M. B. Cameron: That is, if they can ever get in there. They have to wait three years.

The Hon. D. H. L. BANFIELD: Is the honourable member now suggesting that we should train too many nurses and spend more money? Is he suggesting that we should train them for five years and then put them out on the street? Is that his philosophy? Obviously it is. We know that people want to train at the Royal Adelaide Hospital because it is the best hospital in Australia for training nurses, and they go there knowing that it is only for the training period and that their chances of staying on at the Royal Adelaide Hospital are remote.

The Hon. Mr. Cameron suggests that, because people are trained at the Royal Adelaide Hospital, they should remain there. What would he say if we stopped nurses from going to Naracoorte, for instance, or out into the general community after they had trained at the Royal Adelaide Hospital? There would be a terrible outcry. If we trained only the number of nurses that the hospital wanted there would be a great shortage of nurses and certainly fewer completely trained nurses than we have in the community today. The statement that only 25 per cent of nurses are subsequently employed by that hospital seems to imply that there is something grossly astray. The Royal Adelaide Hospital functions as a training hospital for many other hospitals, as do our other training centres.

The committee points out that there are some 300 nurses unemployed, yet the Hon. Mr. Cameron is implying that we should take in everyone on our waiting list. We are not happy about the number unemployed, but we see that it is 2·8 per cent of a total of 16 000 nurses, compared with an overall national unemployment figure of about 7 or 8 per cent. The position concerning nurses is therefore obviously much better than that concerning people in other areas.

The Hon. Mr. DeGaris suggested that I did not deserve the treatment that will be handed out to me by the Government. What treatment is the Hon. Mr. DeGaris referring to? It has been no secret that I was not standing for re-election after this term of office. The papers published recently that I had already resigned as Minister and that another Minister had been appointed. It was no secret that I would not be Minister for the full term of office and, in fact, it would not be a reasonable proposition for the Government or the people concerned if those who intended to retire at the end of their Parliamentary term did not get leave off the front bench before that term expired. I spoke with the previous Premier (the Hon. Don Dunstan) about possible retirement. I was making plans for my future long before the Public Accounts Committee report was tabled. Plans

and arrangements had already been made, and they are not being altered. I have not submitted my resignation to the Government, because one does not submit one's resignation until such time as one is going to retire. However, the Government knows exactly when I am going to retire, and that is on 30 April this year. There is no secret about that. I have never attempted to make any secret of it, and the Government has the greatest faith in my ability to carry on until that time. The Government also appreciates as do thousands of other people in the State what has been done in the health area, and to imply that I am being dismissed from my portfolio because of this imcomplete report—

The Hon. R. C. DeGaris: I didn't say that.

The Hon. D. H. L. BANFIELD: I did not say that the Hon. Mr. DeGaris did, but it has been said by members on the Liberal side in another place. I repeat that it has been no secret that I was going to retire. It is a decision that was well known to Don Dunstan.

I made that known to the present Premier, who was happy to go along with my wishes when I asked him if it would be all right to retire on 30 April.

I am also able to say that similar discussions took place between the Hon. Mr. Casey and the former Premier, and those arrangements were accepted by the present Premier, yet the Hon. Mr. Casey has nothing to do with this report. For some people to imply that I am to be handed out some harsh treatment is completely wrong.

I appreciate what the Hon. Mr. DeGaris has said about the way in which we worked together. I appreciate the co-operation given to me by everyone during my term as Minister, but I do not appreciate the implication being spread about that I am being dismissed from office, because I am not being dismissed from office. I am merely carrying out the arrangement made with the former Premier and accepted by the present Premier, and that arrangement is similar to the arrangement including the Hon. Mr. Casey. We both indicated at the beginning of this session that we would be retiring as Ministers before the end of our terms. I am grateful for what has been said about the way in which I have worked together with members.

The Hon. Mr. DeGaris referred to the establishment of the Health Commission and his comments when the commission was established. The Public Accounts Committee's report implies that the commission was a step in the right direction. The committee has been investigating matters that transpired, or were transpiring, before the commission was established. No blame can be laid on the commission for some of the matters investigated. The commission is doing a good job, and will bring better health services to the community.

The Hon. R. C. DeGaris: The report criticises the commission.

The Hon. D. H. L. BANFIELD: It does, but it does not say that the matters investigated took place before the commission was set up. Members opposite have referred to autonomy in running hospitals, but what a reaction from the Opposition there would be if we handed over $1 000 000 a day for hospital boards throughout South Australia and said, "Take it away, you are not responsible to us, do what you like." I can imagine the reaction of honourable members. They would be demanding that there be some control over the financing of boards.

The Hon. C. M. Hill: I don't know about that.

The Hon. D. H. L. BANFIELD: The honourable member does not know about that. Apparently, he thinks that we should give $1 000 000 a day to about 60 boards. He suggests that I should hand out $1 000 000 a day for distribution through 60 hospital boards and that we should have no control over how it is spent. If there were no control, does the honourable member think that boards would not give us, for instance, an over-supply of C.A.T. scanners, costing about $250 000, and costing $180 000 a year to run? They would be obtained for prestige purposes even when they were not necessary. We would have too many things.

The Hon. C. M. Hill: A system of block grants might work better than you think.

The Hon. R. C. DeGaris: They could make profits.

The Hon. D. H. L. BANFIELD: Government hospitals cannot make a profit out of the arrangements set up between the State and Commonwealth Governments. There is no way that a recognised hospital can make a profit because of the conditions set down by the Federal Government. The Hon. Mr. DeGaris suggests that they could make a profit if we gave them a block grant, but what if they spent it in the wrong areas? Who would be abused by members opposite if that happened?

The Hon. C. M. Hill: Who is abused under the present system?

The Hon. D. H. L. BANFIELD: I am. We would have no control if we just handed sums over. I am certain that no Government, be it Liberal, Labor or any other Government, would be willing to wash its hands of responsibility for health services while handing over $1 000 000 a day. If that is the Liberal Party's view, honourable members opposite should tell us what they want. If we provided autonomy and it came unstuck, honourable members would come back and blame me. That is the system now, and I am happy to take any blame.

True, things have got past me, and I am willing to accept the blame for that. I am also willing to accept the praise heaped on this Government for the added services that we have given to the South Australian people. The Hon. Mr. DeGaris said that he did not blame me, because I was only carrying out the philosophy of the Government. I remind the Leader that I am part of that Government: I am part of the Ministry and have participated in the decisions made by the Ministry. Certainly, I do not regret being part of this Government—I am proud of it. I am proud of our philosophy and I am proud of what this Government has done for the State.

The Hon. Mr. Hill suggested an independent inquiry, but he did not tell us what was wrong with the people on the committee. He has not condemned the Government for appointing Sir Norman Young as a consultant to the committee. What does he suggest is wrong? Because of the need to arrange conference times, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CHIROPRACTORS BILL

The House of Assembly intimated that it insisted on its amendment No. 2 to which the Legislative Council had disagreed.

Consideration in Committee.

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

That the Legislative Council's disagreement to the House of Assembly's amendment No. 2 be not insisted on.

This matter refers to people practising as chiropractors before they can be admitted under the grandfather clause. The House of Assembly has restored the provision that was in the Bill when I introduced it.

The Hon. J. A. CARNIE: I oppose the motion. If we are to register people who practise in any branch of para-

medicine, they must at least have experience if they have not the necessary qualifications.

The Committee divided on the motion:

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

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie (teller), Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

The CHAIRMAN: There are 10 Ayes and 10 Noes. So that the matter can be further discussed, I give my casting vote for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. D. H. L. Banfield, J. A. Carnie, R. A. Geddes, C. M. Hill, and Anne Levy.

Later:

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly committee room at 7.45 p.m.

At 9.30 p.m. the following recommendations of the conference were reported to the Council:

> That the House of Assembly amend its amendment by deleting "February, 1979," and inserting "January, 1978," and that the Legislative Council agree thereto.

Consideration in Committee.

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

> That the recommendations of the conference be agreed to.

Only one amendment had to be considered at the conference, and both sides took the attitude that the patient was the main concern. Originally, I did not like the idea that some people who were earning most of their income from the practice of chiropractic might be put out of business. However, on reflection, I came to realise the importance of experience. The Assembly managers were very conciliatory. Actually, the managers from this place would have liked the period to be longer than 14 months. I ask honourable members to agree to the recommendations of this good conference.

The Hon. J. A. CARNIE: I agree with what the Minister has said: both sides entered the conference with a genuine desire to compromise. I supported the principle that, if a person did not have academic qualifications, at least he should have adequate experience. I had moved that the length of experience should be three years experience. I would have liked it to be the same as that in the Physiotherapists Act, but we accepted the argument of the House of Assembly managers that perhaps that was a little harsh. The provision will prevent opportunists from rushing in and setting up as chiropractors. If people want to continue, they will have to convince the board of their competence. The patients must be protected. Finally, I agree that the conference was a good one and that it reached a satisfactory compromise.

Motion carried.

Later:

The House of Asssembly intimated that it had agreed to the recommendations of the conference.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

(Second reading debate adjourned on 15 November. Page 2000.)

Bill read a second time.

The Hon. D. H. LAIDLAW: I move:

> That it be an instruction to the Committee of the Whole Council on the Bill that it have power to consider a new clause relating to unlawful discontinuance of weekly payments.

Motion carried.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Effect of failure to give notice."

The Hon. D. H. LAIDLAW: I oppose this clause, the deletion of which is consequential on my amendment to clause 15. That is an important amendment, which deals with noise-induced hearing losses. It has been recognised by the Government and the Opposition for some time that the relevant provisions of the existing Act are inadequate. On 23 November, the Minister of Labour and Industry, the member for Davenport in another place, and I issued a joint statement regarding proposed amendments to the noise-induced hearing loss provisions. We said:

> It is proposed that, if an employer has the extent of a worker's hearing loss medically determined within two months of that worker commencing employment, the employer will only be liable for compensation in respect of any further hearing losses that occur after that medical examination. This will apply only to workers who commence work with a new employer after the Act is amended. Any right to compensation now provided for a worker currently in employment will not be affected.

Legal advisers to the Government and employer organisations have given detailed attention to drawing these amendments during the past three months. Unfortunately, many provisions in the existing Act are imprecise and have not been given judicial interpretation. Therefore, it has been extremely difficult to redraft these amendments while seeking to ensure that workers will be in no worse a position than hitherto, which was a proviso imposed by the Minister and accepted by me as a means of getting these amendments agreed to.

The amendment on file is comparatively brief, and deals only with the situation where, after the Act is amended, a worker is given a hearing test before or after commencing employment. If the employer does not arrange for a worker to have a hearing test, the worker can claim under the existing provisions of the Act and obtain compensation for the whole of this noise-induced hearing loss from his employer or previous employers.

To enable the employer to limit his liability for noise-induced hearing loss, the employer must arrange for the worker to have a hearing examination by a person with prescribed qualifications. It is expected that the examination will be conducted by either an ear, nose and throat specialist or by a qualified audiologist.

There is provision for the examination to be conducted not more than two months before or after the commencement of employment or, in special circumstances, the court may allow up to four months for the test to be held. The prior testing provision covers the case where an employer has within his conditions of service a provision to test a worker's hearing prior to commencement, and the extension to four months is intended to cover workers in remote areas, where the employer can have difficulty arranging for hearing tests to be conducted.

If the hearing test by which to limit liability is conducted after the worker has left the job, the right to limit liability will be removed. This is a wise precaution; otherwise, the worker may suffer post-employment loss of hearing before testing, and it would be impractical to determine the extent of loss suffered during the short term of his job. Alternatively, an employer could limit his liability by arranging for an unwitting worker to be tested after

leaving his job.

In addition, in order to limit liability, the employer must ensure that a copy of the hearing test together with a notice on a prescribed form will be given to the worker personally as soon as practicable and, in any event, not longer than six months after starting his job.

If an employer fulfils these conditions, he can limit his liability for noise-induced hearing loss. Under section 74a (1) *(d)*, the examining employer is liable only for loss suffered by the worker in his employment. If the worker had as his hobby the playing of drums at a discotheque, and if the loss of hearing suffered at work could be distinguished from that suffered at the discotheque and elsewhere, the examining employer would be liable only for the former. I am informed that sophisticated audio-testing facilities in some cases make it possible to distinguish.

This subclause also prescribes the method of measuring the proportion of loss. If a worker's hearing loss was, say, 20 per cent at the commencement of his job, and 40 per cent when he had a test prior to the commencement of proceedings, the loss would be calculated as 20 out of 100 and not 20 out of 80. Since the lump sum compensation for total loss of hearing is $15 000, the worker in the case to which I have referred would be entitled to $3 000 and not $3 750, as might otherwise have been claimed.

Under section 74*a* (1) *(e)*, it is assumed that the hearing loss occurred on the last day on which the worker was employed before the commencement of proceedings. This is to preclude him from leaving his job and then waiting for, say, 10 years before making a claim in the hope that the lump sum benefits will have increased in the meantime and that he will be entitled to a greater amount.

Section 74a (2) deals with the case where the noise induced hearing loss is suffered at two or more jobs; where the last responsible employer (that is, a person who employed the worker in a job which contributed to the injury) was an examining employer; and where at least one other employer is a non-examining employer. In this case the worker may claim compensation with respect to the whole of the loss from the examining employer. When proceedings are brought to court, previous employers, so long as one is a non-examining employer, can be joined.

This means that a worker can obtain the whole of his compensation entitlement at one hearing. If he suffered 20 per cent loss whilst working for the last responsible and examining employer, 20 per cent loss from a previous examining employer, and 30 per cent loss from an earlier but non-examining employer, he will be entitled to receive $3 000, $3 000, and $4 500 from the three employers—$10 500 in total. Under the present Act he could receive $10 500, the same amount, from one or other employer that he chooses to sue. This is outlined in section 74a (4).

Section 74a (5) provides that the term "hearing loss" includes deficiency of hearing. Therefore, if a worker has a congenital loss of, say, 20 per cent and he then suffers a further 20 per cent noise induced hearing loss during the course of employment, his entitlement will be 20 per cent of unimpaired hearing, not one-quarter of 80 per cent. Section 74a (6) provides that this section does not absolve an employer from the obligation to make weekly compensation payments. This covers the rather rare case of a worker who suffers a hearing loss severe enough to incapacitate him. Nor does this section confer a right for a worker to obtain hearing loss compensation if he has already been compensated for that loss in another State or under a prior claim under this Act.

Section 74a (7) stipulates that nothing in this section affects the provision regarding the onus of proof or other operations of the Act. The right to claim for noise induced hearing loss in the existing Act is covered by sections 74 and 94; the first provision is in Part IV dealing with the amount of compensation. The second provision is in Part VIII, dealing with industrial diseases. Section 94 says that the onus is upon the employer to establish that a disease of a type listed in the second schedule (and noise induced hearing loss is one of these) did not occur in the course of the employment.

Under section 74, the onus of proof is not mentioned. One opinion is that the onus of proof provisions in section 94 should apply to all questions of hearing loss. Another opinion asserts that section 94 should be confined to weekly compensation payments in connection with cases of hearing loss, and that the onus of proof in connection with section 74 claims for lump sum payments should rest upon the worker to prove. Surprisingly, this matter has not been resolved judicially. To avoid an impasse on this issue of onus of proof, it has been provided that this section should not attempt to settle this outstanding problem.

Clause negatived.

Clause 8 passed.

New clause 8a—"Unlawful discontinuance of weekly payments."

The Hon. D. H. LAIDLAW: I move:

Page 3, after line 17—Insert new clause as follows:

8a. Section 52 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) Except as is expressly provided by this Act, any weekly payments payable as compensation pursuant to this Act shall not be discontinued or diminished without the consent of the worker except—

(a) where—

(i) a legally qualified medical practitioner has certified that the worker has wholly or partially recovered or that the incapacity is no longer a result of the injury; and

(ii) the employer has given to the worker at least twenty-one days prior notice in writing of his intention to discontinue the weekly payments or diminish them by an amount stated in the notice (which notice must be accompanied by a copy of the medical certificate stating the grounds of the opinion of the medical practitioner);

(b) where the worker has failed to provide his employer with evidence in the form of a certificate from a legally qualified medical practitioner that his incapacity continues and the employer has given to the worker at least twenty-one days prior notice in writing of his intention to discontinue the weekly payments, unless the worker within that period provides his employer with such evidence; or

(c) where the worker has returned to work.;

(b) by striking out from subsection (2) the passage "referred to in that subsection" and inserting in lieu thereof the passage "after the notice of intention to discontinue or diminish is given or, where no such notice is given, after the weekly payments are discontinued or diminished; and

(c) by inserting after subsection (2) the following subsection:

(2a) Where a worker has been given a notice under subsection (1) of this section and has

taken out an application referred to in subsection (2) of this section, the weekly payments shall not be discontinued or diminished pending determination of the proceeding upon the application.

This amendment is almost identical, except for a few words, to the amendment made by the Minister of Labour and Industry in the Government Bill of November 1976. That Bill lapsed after a conference. This new clause provides that an employer may discontinue or diminish weekly payments to a worker if the worker fails to provide his employer with regular medical certificates. Under this new clause, the employer is required to give the worker 21 days notice that his weekly payments are to be discontinued, during which time the worker may apply to a court. When a worker challenges his employer's right to discontinue weekly payments, they shall not be discontinued before the hearing.

New clause inserted.

Clause 9—"Weekly payments."

The Hon. D. H. LAIDLAW: I move:

Page 3, lines 23 to 33—Leave out all words in these lines and insert:

"or

(b) if it considers that a genuine dispute exists concerning the liability of the employer to pay any compensation, order that this section shall not apply in relation to so much of the compensation as is the subject of the genuine dispute."

Amendment carried.

The Hon. D. H. LAIDLAW: I move:

Page 3, lines 35 to 45—Leave out all words in these lines and insert:

(3aa) Upon the hearing of an application referred to in subsection (2) of this section, the Court may order that this section shall apply with such modifications as the Court thinks fit and specifies by order in relation to so much of the compensation as is not the subject of a genuine dispute, but no modification of the application of this section shall render a penalty amount payable under this section in respect of any period during which the operation of subsection (1) of this section was, pursuant to subsection (2) of this section, suspended.

Amendment carried; clause as amended passed.

Clauses 10 to 14 passed.

Clause 15—"Compensation under s. 69 in respect of noise induced hearing loss."

The Hon. D. H. LAIDLAW: I move:

Page 5—Leave out this clause and insert new clause as follows:

15. The following section is enacted and inserted in the principal Act after section 74:

74a. (1) Notwithstanding any other provision of this Act, where an employer—

(a) employs a worker in employment that commences after the commencement of the Workmen's Compensation Act Amendment Act, 1979;

(b) causes the extent of the noise induced hearing loss of the worker to be determined by an examination conducted in the prescribed manner by a person holding prescribed qualifications not more than two months (or such other period, not exceeding four months, as the Court may, on the application of the employer, allow) before or after the commencement of the employment (and, in the case of an examination conducted after the commencement of the employment, while the worker is still in that employment); and

(c) causes a copy of the report made upon the examination together with a notice in the prescribed form to be supplied to the worker personally as soon as practicable after his receipt of the report (and in no case more than six months after the commencement of the employment)

the employer shall be liable to pay compensation only on the following basis:

(d) as if the noise induced hearing loss arising out of, or in the course of, his employment of the worker were the only hearing loss of the worker; and

(e) as if hearing loss arising out of, or in the course of, his employment of the worker had been caused by an injury occurring on the last day on which the employer employed the worker prior to the commencement of the proceedings, in employment to the nature of which the injury is due.

(2) Where—

(a) the noise induced hearing loss of a worker is attributable to injury arising out of, or in the course of, his employment by two or more employers (of whom at least one is a non-examining employer); and

(b) the last responsible employer of the worker is an examining employer;

the worker may claim compensation in respect of the whole of his noise induced hearing loss from that examining employer and proceedings in respect of the claim may, on the application of the worker, be brought before the Court for hearing and determination notwithstanding that there is no dispute between the worker and that employer in relation to liability to pay, or the amount of, compensation under this Act.

(3) Where proceedings are brought before the Court in pursuance of subsection (2) of this section, the last responsible non-examining employer and any subsequent responsible examining employer who employed the worker before the commencement of his employment by the employer against whom the proceedings are brought shall be joined as parties to the proceedings.

(4) In any proceedings under subsection (2) of this section—

(a) compensation shall first be assessed as if all the employers who are parties to the proceedings were a single non-examining employer;

(b) compensation shall then be assessed against each examining employer on the basis referred to in subsection (1) of this section; and

(c) compensation shall then be assessed against the non-examining employer by subtracting the amounts assessed under paragraph *(b)* of this subsection from the amount assessed under paragraph *(a)* of this subsection.

(5) In this section—

"examining employer" means an employer who is entitled to the benefit of subsection (1) of this section:

"hearing loss" includes deficiency of hearing:

"non-examining employer" means an employer who is not entitled to the benefit of subsection (1) of this section:

"responsible employer" means an employer who employed the worker in employment to the nature of which the injury is due.

(6) This section does not—

(a) affect a liability to make weekly payments; or

(b) confer any right to recover compensation for a prior injury as defined in subsection (9) of

section 69 of this Act or an injury in respect of which compensation has been recovered under a law not being a law of this State.

(7) Nothing in this section—

(a) affects the operation of any other provision of this Act that is relevant to onus of proof in proceedings under this Act; or

(b) affects the operation of any other provision of this Act except in so far as the operation of that provision must necessarily be affected in order to give effect to the express provisions of this section.

New clause inserted.

Clauses 16 and 17 passed.

Clause 18—"Injuries the result of gradual process."

The Hon. D. H. LAIDLAW: I oppose the clause.

Clause negatived.

Clause 19—"Employer to whom notice to be given."

The Hon. D. H. LAIDLAW: I oppose the clause.

Clause negatived.

Title passed.

Bill read a third time and passed.

Later:

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

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MENTAL HEALTH ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

[Sitting suspended from 6.6 to 9.25 p.m.]

DOG CONTROL BILL

At 9.25 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos. 1 and 2:

That the Legislative Council do not further insist on its amendments.

As to Amendments Nos. 3, 4, and 5:

That the Legislative Council insist on its amendments and the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 6:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 5, lines 19 to 21 (clause 12)—

Leave out all words in these lines.

And that the House of Assembly agree thereto.

As to Amendments Nos. 7 to 19:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 20:

That the Legislative Council amend its amendment by adding at the end thereof a new subsection as follows:

(6) No fee shall be payable for the registration of a guide dog for the blind.

And that the House of Assembly agree thereto.

As to Amendment No. 21:

That the Legislative Council do not further insist on its amendment.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

That was not an easy conference. This was a new type of legislation being enacted for the first time, and naturally it created many difficulties for many sections of the community. I respect these people for the manner in which they concerned themselves with the legislation. However, I believe that over all the State it is desirable to implement such legislation. In the long term it will be beneficial to many, if not most, people in the community. Some people may be adversely affected by it, but it will be about 15 years before the full force of the legislation is felt, because the Bill provides that tattooing will take place only in respect of pups up to three months old, and any dog over that age that has been registered will not be subject to the tattooing requirements.

It will take more than 10 years for the legislation to become fully operative. The Bill will benefit the community, especially dog owners and dog lovers. I was pleased with the attitude that the managers from this Chamber adopted to this complex legislation, and I ask the Council to support the motion.

The Hon. M. B. DAWKINS: I support the motion and agree that the conference was held in a spirit of co-operation and cordiality. Whilst the result was not completely satisfactory from this Chamber's point of view, it did demonstrate the value of conference procedure in resolving a deadlock. This Chamber could not sustain its amendment to give the whole of the responsibility to local government and not to have a Central Dog Committee; nor could we sustain the amendment that was supported strongly by some honourable members in this Council regarding optional tattooing. However, we were able to sustain the rights of district councils, as opposed to metropolitan councils, to have an option as to whether or not they had a pound, because in many cases it would be impracticable for local councils to provide separate pounds.

Also, we were able to sustain the amendment that sought to ensure that councils generally did not have to pay any surplus to the committee. Honourable members will know that the Bill provides that a prescribed amount of revenue has to be paid to the committee and, after operations are completed each year, any surplus has to be paid to the committee. In some years there may be a surplus which, under the Bill, would have to be paid to the committee, whilst in the following year there may be a deficit that would have to be met by ratepayers. It was considered that surpluses in one year should be used to offset any deficit in following years. That amendment was agreed to.

One amendment from this Chamber sought to include in the legislation concessional fees for working dogs, for dogs owned by pensioners and for guide dogs for the blind. The amendment regarding the first two categories was sustained, and by agreement the other category was included in the recommendations. In some respects the conference was rather disappointing for this Chamber's managers, but we were able to sustain some amendments.

The Hon. C. M. HILL: I was not a manager of the conference, and I have only heard of the recommendations from listening to what has been said and from reading the recommendations before us, including the

Government's insistence that all new dog registrations shall be by the tattoo method. This is another first for this State, on which the Government will pride itself. However, it disappoints me tremendously. I am disgusted at the responsible Minister and the Government for insisting on this change. I am sure that, when the news is made known to the dog lovers who have specific breeds of dogs, and to whom the process of tattooing is abhorrent and foreign, they will recognise what has transpired at the Government's insistence, and use their rights to express their indignation at this move.

As a last resort, I make a plea to the Government, because the Bill provides for some dogs to be prescribed out of this requirement. I plead with the Government to examine all the recommendations that will be made seeking exemptions, and to be sympathetic to the feelings of dog lovers, especially women. Many people choose a dog of a certain breed and, when it is necessary for them to obtain another animal because the dog has grown old and died, those people will want to be able to register their animal under the traditional method. I am certain that that would be far more acceptable than the tattooing of ears.

The Hon. J. R. CORNWALL: Although I have said that I do not generally believe in the conference system, on this occasion we have moved from what at mid-day seemed like an impasse to a reasonable conference result by 9 p.m. I am distressed that the Hon. Mr. Hill has introduced a somewhat jarring and even political note. Only pups up to three months old will have to be tattooed. There will be some exemptions. The managers for both Houses felt that the legislation would be unworkable without the tattoo provision, and for this reason particularly we have been conferring for so long.

The Hon. C. M. Hill: It's a lot of rubbish to say it would be unworkable.

The Hon. J. R. CORNWALL: That was the position we reached. I was pleased about the attitude of all those who attended the conference. In saying that, I must swallow what I have said here previously. The real principle that we had to come up with was that the owner who did not care must pay. That was virtually the prime situation that brought us to agree that tattooing had to be accepted. I think that we have reached a satisfactory compromise. There has not been a loss of face and the matter cannot be considered to be a Party-political one.

The Hon. C. M. HILL: I am not trying to introduce a political note. I am simply speaking as one member of this place. The Hon. Mr. Cornwall has said that only pups up to three months old will be required to be tattooed. What will be the position if children take home as pets dogs from the R.S.P.C.A., a dogs home, or a pound?

The Hon. T. M. CASEY: If the dog is more than three months old, it will not have to be tattooed.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PUBLIC ACCOUNTS COMMITTEE REPORT

Adjourned debate on motion of Hon. R. C. DeGaris (resumed on motion).

(Continued from page 3153.)

The Hon. D. H. L. BANFIELD (Minister of Health): Before obtaining leave to conclude my remarks, I referred to the statement by the Hon. Mr. DeGaris and the matter of not excusing the Minister. The Leader thought that I did not deserve the treatment that would be meted out to me. I indicated that I was not receiving any harsh treatment from the Government. I referred to the proposed date of my retirement and said that that had not been changed. This evening, the Premier has indicated that he is not seeking my resignation and does not intend to take any drastic action. He has supported what I said previously regarding the understanding that the Government and I have had.

I reminded the Hon. Mr. DeGaris that I was part of the Government, participated in its decisions, and was proud of that and proud to put our Government's philosophy into operation.

I also referred to the independent inquiry that the Hon. Mr. Hill suggested should be appointed, and I named the members of the committee already appointed, which included Sir Norman Young. The Hon. Mr. Hill said that the Health Commission had not succeeded and had not delegated authority to boards. He said that the hospitals had not been incorporated by 1 July.

True, as the report indicates, the hospitals were not incorporated by 1 July last year, the date at which those concerned had aimed. However, at no time was this definite: it was merely hoped that the hospitals could be incorporated by then. It is also true that Opposition members urged the Government not to proceed hurriedly in this regard, and they cannot accuse the commission of moving hurriedly, because the hospitals were not incorporated by 1 July.

I referred previously to what I thought would be the attitude of members opposite if about $1 000 000 was handed over to about 60 boards throughout the State and those boards did not have to account for the money. If something came unstuck members opposite would certainly complain about it. I also referred to staff increases, and said that the Government was proud that it had improved health services throughout South Australia. It has built many hospitals, established community health services, and generally provided better health services for the people of South Australia. Obviously, I covered that matter well, as not one member opposite suggested that those hospitals should be built but not staffed. The Hon. Mr. Cameron had something to say about Ayers House.

The Hon. M. B. Cameron: The committee did, too.

The Hon. D. H. L. BANFIELD: Of course it did, and that is what the investigation was all about. As I said previously, the Government is pleased that the committee has investigated the matter thoroughly. The police had been asked to conduct an investigation and they apprehended a man at Ayers House.

The Hon. M. B. Cameron: And you're satisfied?

The Hon. D. H. L. BANFIELD: Of course I am satisfied. If the honourable member is not satisfied—

The Hon. M. B. Cameron: I am not.

The Hon. D. H. L. BANFIELD: If that is so, and if the honourable member thinks that he can run the Police Force better than it is now being run, I am surprised that he did not apply for the job of Commissioner of Police when Mr. Salisbury was recently retired from the service. The honourable member knows that we have a satisfactory Police Force. Indeed, he knows that its reputation is the best in the world.

The Hon. M. B. Cameron: It's insulated.

The Hon. D. H. L. BANFIELD: Of course it is. However, the fact remains that the reputation of the South Australian Police Force is the best in the world and no

honourable member would suggest anything to the contrary.

The Hon. J. C. Burdett: What about the Health Department? How did it come out of this?

The Hon. D. H. L. BANFIELD: These matters were thrown in by members opposite, and it is obvious that they did not want answers to the matters raised in the debate. The Hon. Mr. Burdett's actions proved that. I ask honourable members why they think a trap was set at Ayers House. It was set because the Health Department had asked the police to conduct an investigation. So, the police were at Ayers House on the relevant night not merely by chance: the Government had already asked them to investigate pilfering from the Northfield Wards.

The Hon. J. C. Burdett: So, you knew that the food was going to Ayers House?

The Hon. D. H. L. BANFIELD: No, but we knew that some food was going from Northfield.

The Hon. M. B. Cameron: I don't think he's read the evidence.

The Hon. D. H. L. BANFIELD: I do not have to read it, because the police were called in through my department to investigate the report that food was being taken from Northfield Wards. One recalls that at the time of the last election the Hon. Mr. Cameron went around the State suggesting that tonnes of meat were being taken from Northfield. However, the police could not find sufficient evidence to warrant a charge being laid. So, it is obvious that the Hon. Mr. Cameron did what he did for political purposes only, just as happened when the same honourable member insisted that two Liberal Party members should resign from the Public Accounts Committee at that time. The Hon. Mr. Cameron cannot deny that he had a hand in that matter.

All honourable members know that Bill Nankivell, a good, honest fellow was not happy about having to resign from the committee. However, we do know of a fellow who was willing to toe the Cameron line and to resign from the Public Accounts Committee at the behest of that honourable member because it was considered that it would be an election winner. But where did it get members opposite? They are still on the Opposition benches and, while they continue to tell that sort of story, they will remain there.

The Hon. M. B. Cameron: It was your members who drew up the story.

The Hon. D. H. L. BANFIELD: It was not. I remind members opposite that the Labor Government set up the Public Accounts Committee. The former Liberal Government had been asked repeatedly to do so, but it would not. The Government is pleased that it has established that committee, as something good may come out of it. The committee's report was delayed for 18 months because of the Hon. Mr. Cameron's actions.

The Hon. J. C. Burdett: That's not true.

The Hon. D. H. L. BANFIELD: I am sorry, I apologise for saying that it was 18 months: it could have been two years. Generally, the Government agrees with the direction of the committee's recommendations. Indeed, they are little more than a re-statement of Health Commission aims in this area.

However, before I discuss the matter in detail, I must take time to repudiate with considerable force the unsubstantiated and insupportable statement that appears on page 5 of the report, namely, that the complete lack of effective systems of budgetary control to contain spending to real needs applies to most Government departments, and that the Hospitals Department is no exception.

I believe that statement to be a gross exaggeration. The South Australian Government's budgetary controls are considered highly within our nation. Our Treasury officers are held in the highest esteem throughout Australia. They have consistently achieved the highest standards in their operations and have assisted the Government immeasurably in keeping closely to budgetary aims. That is something that other States, and indeed the Fraser Government, would like to be able to say in relation to their Budgets. However, South Australia is the State that gets closest to its budgetary aim. This has been recognised publicly, and indeed in this Council, by Opposition members, so let us keep that in perspective.

In all the work that the Health Commission has been undertaking, the development of appropriate and adequate budgetary systems has been central. Work on the development of these systems began early and is continuing. In general terms it is pointed in the same direction as indicated by the recommendations of the Public Accounts Committee in this area.

It is heartening that the committee was able to see that the basic approach being adopted is the right one. The tone of the report, however, appears to suggest that these new systems should be brought in virtually overnight. That might be a great wish but it is simply not practicable. What must be kept clearly in mind in considering these questions is that the large modern hospitals we have established in South Australia are extremely sophisticated and complex organisations. Running the R.A.H. is not like running the corner shop.

The Hon. R. C. DeGaris: The corner shop would be broke by now.

The Hon. D. H. L. BANFIELD: Of course the corner shop would be broke—if honourable members opposite wanted it to change its system of budgetary control every 10 minutes. Although the principles of budgetary control can be seen clearly, their detailed application and implementation are matters requiring considerable thought and development, and it is not a matter of having a go with something that may or may not be suitable. New systems can only be brought in if one can be confident that they not only will achieve the broader objectives desired but will operate effectively and practically in a day-to-day situation. The Auditor-General has reported on the budgetary system, but at no time has he indicated that there was anything wrong with the system, or any money missing. He suggested changes, but at no time did he suggest that there were shortages in petty cash.

There is no use having an elaborate new system with the right philosophy if it cannot deliver the goods in terms of the basic running of the hospitals. It would be irresponsible to rush headlong into new systems. The course we are adopting is the right one. We will press on with it as fast as we can. And I point out to honourable members opposite that not the least of the hazards of this work is the frequent almost random changes that come from the Federal Government. How many times has Medibank been changed? How many times has the Federal Government changed its mind in relation to projects that we are carrying out? Year after year we are getting changes in attitude on the part of the Federal Government, which changes have caused grave difficulties here.

If the Fraser Government had some clearer idea of what it wanted to do in the health financing area, it would be much simpler to institute costing, pricing and budgetary control procedures on a settled basis. Currently, a team headed by the Public Service Board expert in this area is working on management information requirements in the Health Commission, with particular reference to budgetary and staff establishment controls. They have completed an interim report on the current state of affairs in the

financial administration of the Health Commission, but they are not yet ready to make firm recommendations for action. The Government expects a final report within a few weeks, and I can assure the Council that, after consideration, appropriate action will be taken as soon as possible.

I must admit that, although my role in Government requires me to look at figures on many matters, I have a continuing healthy scepticism of the use of statistics in certain circumstances. I must admit further that, in looking at the section of the Public Accounts Committee report that deals with staffing matters, that feeling of scepticism became quite strong. I am not at all suggesting that the committee has attempted to manipulate the figures or even, in many instances, that it has presented them wrongly. But I am quite certain that statistics have been presented without proper context and in a way which would lead the uninformed reader to believe that things are very much worse than they are. For instance, the figures for overall employment in the health and hospital system are quoted up to June 1978, and I believe they are quoted fairly accurately. What the committee has not done, however, is ascertain what the situation is now and, contrary to all the assertions about unnecessary or abnormal growth, I can inform the Council that in the six months between June and December 1978 overall staffing in this area actually decreased.

In the area of Public Service staff, for example, there has been a reduction from 3 366 in June to 3 286 at the end of December. Total staff numbers declined from 16 417 to 16 140 in the same period. Whatever the Opposition might like to say and whatever may be the Public Accounts Committee's observations, that says a great deal about responsible management, control of staff and keeping to budgets. This has been achieved by the Government acting as a responsible employer. Whatever the pressures of the Opposition, we do not intend to engage in wholesale sackings of people who have given faithful service for many years in our public services. They deserve our protection, and they will get it.

I indicated this afternoon that it is not our policy to sack people. However, we are reducing staff by not replacing people who leave. We are making economies and we will continue to do so, but we will not do it callously by throwing large numbers of people out on the dole. As Minister, I accept full responsibility for any mismanagement that may have taken place. I reiterate that I am proud of the things achieved since the Labor Government came to power. I am very disappointed that the Public Accounts Committee did not itemise some of these things when it was making its criticisms of the management of the various hospitals.

It should not be forgotten that the Hospitals Department has an impressive record of achievement. Honourable members opposite must acknowledge that outstanding clinical services are provided for patient care at new institutions such as Modbury Hospital, Strathmont Training Centre, and Flinders Medical Centre. What do honourable members opposite want us to do with these institutions? Do they want us to leave them lying idle? Why do they not make up their minds? There have been vast improvements in staff training programmes at all levels. Community health programmes, domiciliary care services, the dental therapy programme, and community psychiatric services have all been implemented over the past decade and are acknowledged to be the best of their type in Australia.

True, staff numbers in hospitals and other health units have increased over the period, but the community has gained substantially as a result of these improved services. We have not concentrated our health efforts solely in the metropolitan area. Indeed, we have made certain that many impressive improvements have occurred in our hospital and health services in country areas. We now provide a dental care service for practically every child at primary level. In this respect we are a long way ahead of the other States. The dental therapy programme that has been implemented over the past decade is acknowledged to be the best of its type in Australia.

I refer now to the letter of Mr. Bailey that was referred to this afternoon. Mr. Bailey thought that more money should go to country hospitals. However, I point out that it was not until the Labor Government came to power that hospitals throughout the State were upgraded. Before the advent of the Labor Government, hospitals were a disgrace throughout the community. There is not one hospital in South Australia that has not been improved since we have been in Government. True, there are still grey areas; we admit that, but those areas were black areas before the Labor Government came to power.

Let us ask the country hospitals if they appreciated the way we have treated them. They appreciate the way we have provided a two to one subsidy and they appreciate the fact that in some areas we have fully paid for improvements made to the hospitals. That was unheard of in the days when the Liberal Government was in power.

We have not solely concentrated our health service efforts in the metropolitan area. Indeed, we have made certain that many impressive improvements have occurred in our hospital and health services in country areas. Similar comments could be made about the psychiatric hospitals where accommodation and care have been progressively upgraded and improved in recent years.

Whilst numbers of patients in residence have fallen, admissions have been maintained at a high level, and the number of out-patients and day patients and those receiving community services has increased substantially. While these rebuilding programmes have not yet been completed, treatment programmes the dignity and freedom of patients have been maintained. Although custodial care is cheaper, we do not agree with it, but when we came into power we found that custodial care only was used in psychiatric hospitals.

The range of treatments services now available to all South Australians should be a source of pride to members and this major fact should not be overlooked when considering the criticisms outlined in the Public Accounts Committee report.

The debits may seem significant in isolation, but the overall credits and staff dedication should not be forgotten. In conclusion, I would rather see $1 000 000 wasted than see $1 000 000 underspent, if it were to detract from the services to which patients are entitled. I make no apology for saying that. I would not appreciate the fact that $1 000 000 was being wasted without something being done about it, but I would prefer it that way rather than the way we found it when we came to power.

We know that a medical superintendent in a psychiatric hospital handed money back to the Treasury, and received a pat on the back because he had not spent all his money. If members had seen the disgraceful conditions at that hospital when the superintendent was handing money back to the Government, they would realize that the action we have taken is appreciated throughout the country. We will continue to take those actions in the future. Also, we will take action to ensure that the Public Accounts Committee will not be able to level criticism at us in future. I oppose the motion, not because I am against the fact that grave concern has been expressed: we also

express that grave concern.

The Hon. R. C. DeGaris: Then vote for the motion.

The Hon. D. H. L. BANFIELD: I am giving you the reasons why I will not vote for the motion. I told you this morning why I would not vote for the motion, because it states that the House expresses the opinion that further inquiries should be undertaken by a body independent of the Government and the Public Service. We have already set up a committee of inquiry and we have not waited for a motion from this House. We did not wait for it any more than we have waited for the Public Accounts Committee to examine the possible pilfering at Northfield Wards.

We have already taken action in regard to the report, and I have the greatest confidence in the committee. I regret that these things were going on and I accept full responsibility. At the same time, I am not too proud to accept the appreciation of patients and the people in this State for the positive steps we have taken in the last 10 years.

The Hon. C. J. SUMNER: I oppose the motion and support the actions the Minister and the Government have taken following the tabling of this report of the Public Accounts Committee. I oppose the motion, not because I disagree with the first part of it (obviously, there are things in the Public Accounts Committee report that give rise to grave concern; that is clear and the Government accepts that), but because I am concerned about the second part of the motion that states there should be an inquiry independent of the Government.

The Hon. R. C. DeGaris: Would you vote for the first part, if I broke it in two?

The Hon. D. H. L. Banfield: You moved your motion as one.

The Hon. C. J. SUMNER: I would have to consider that. I have not had the courtesy of having received a copy of the motion, I only have some brief notes. If the Hon. Mr. DeGaris had done me and other honourable members the courtesy of giving us a copy of the motion, we would have had more time to consider it. The Government has taken action, but the Opposition is demanding that an inquiry be made independent of the Government. The Government has set up an inquiry, and set it up properly as soon as the report was tabled and as soon as the problems outlined in the report were made known to it. The committee is comprised of competent public servants: they are Dr. Corbett, a Public Service Commissioner and formerly a Professor in Politics and Public Administration at the Flinders University; Mr. Guerin, a Director of a division in the Premier's Department; and Mr. Sheridan, the Assistant Under Treasurer. Members opposite could not be critical of that group of public servants, particularly as the Government has asked Sir Norman Young (and he has accepted) to act as consultant on that committee.

I agree with the concern that has been expressed about the findings in the Public Accounts Committee report, but the Government has taken prompt and decisive action by setting up this inquiry to examine these problems. I have every faith in the membership of that inquiry committee. Members opposite have alleged that the Minister of Health is being relegated to the back-bench because he has had responsibility for health services during the period on which the Public Accounts Committee has reported. That is absolute nonsense. They are suggesting that the Government is making him a scapegoat. On the front page of the *Advertiser* of 21 February the following report appeared:

> At the same meeting, the Caucus will also elect three new Ministers—one for the Assembly to fill the vacancy caused by Mr. Dunstan's resignation and two from the Legislative Council to replace the Minister of Health, Mr. Banfield, and the Minister of Tourism, Recreation and Sport, Mr. Casey.

On 21 February it was known that they would be retiring, and there is no question of the Minister's being made a scapegoat by the Government or that he is being forced to resign. It is interesting to note that honourable members opposite conceded that the Minister was not responsible for the present situation. The Hon. Mr. DeGaris said that in his contribution, and I am pleased to note that because that differs from the propositions contained in the editorials in our daily newspapers today.

The Opposition can see that it is not a matter for which the Minister is personally responsible. It claims that it is the Government's philosophy in establishing the Health Commission that is responsible, but I find that difficult to understand. The inquiry into the commission was established by the Dunstan Government in 1970 under Mr. Justice Bright, and included membership of well-qualified professional people. The intention of the subsequent report was not that there should be an increase in centralised or bureaucratic control in the Health Department: it was the opposite intention. It recommended that there should be greater co-ordination of health services, and no-one would disagree with that.

It recommended that, in addition to greater co-ordination, there should be at individual hospital level, individual delivery services involving greater control and responsibility at that lower level. How such a recommendation can be interpreted as causing an increase in bureaucratic control, I do not know. Under the system obtaining in South Australia until 1970, hospitals and the Health Department generally were fairly and squarely part of the Public Service. It was claimed that there was too much bureaucratic control and, under the commission, although there would be greater overall co-ordination, the bureaucratic control where the services were being delivered would be less, and people at the point of delivery would have to take greater responsibility, including financial accounting, etc. Those are not the tentacles of control that the Hon. Mr. Hill and the Hon. Mr. DeGaris implied that the commission is forcing on hospitals. It is to the contrary, and honourable members know the philosophy behind the Bright Report recommendations. It was a devolution of power and responsibility—

The Hon. C. M. Hill: But that has not come about.

The Hon. C. J. SUMNER: —downwards, combined with greater co-ordination, which we should all support. The honourable member has said that it has not come about. The commission has not existed all that long, and it will take time before the procedures are changed from those of direct Public Service control to the control foreseen under the commission.

Regarding the Public Accounts Committee, it is interesting that the Labor Party policy in the 1950's and 1960's was to establish such a committee and action was taken in Parliament by the Labor Party. Opposition came from members of the Legislative Council, who did not want to have anything to do with it, and neither did the Liberal Government of that time, despite the fact that it had been A.L.P. policy. As early as August 1965, just a few months after the election of the Walsh Government a Bill was introduced to establish such a committee. Why was such a committee not established during the 1940's, 1950's and 1960's? Perhaps the then Liberal Government was afraid of what the committee might find. Certainly that Government did not go out of its way to establish the committee. It is a credit to this Government that it moved in early 1965 for the committee's establishment, and actually facilitated its establishment in 1972 when a private member's Bill was introduced in another place.

The Government and the Minister should be commended for establishing the committee and for the role that it has played since its establishment. Members opposite have talked of a cover-up, yet there is a majority of A.L.P. members on the committee. They have produced a report that is critical of their Government. Personally, this has been a good thing in terms of Parliamentary control of Executive Government, but it was not Opposition members who suggested it: this Government set up that committee, and it is this Government that will do something about the report.

For many years members opposite did what they could to avoid setting up such a committee—so much for any alleged cover-up. Rather than a cover-up, it was an attempt by the committee to expose weaknesses as it saw them in the accounting system within the commission. Criticism was made in the report of the Frozen Food Factory, yet studies into the proposal for the factory were undertaken as early as 1968, when the Hon. Mr. Hill was Minister of Health. Those studies and the suggestion to proceed were carried through, but the factory's establishment is not fully this Government's responsibility. I commend the committee for its report, although if I had time I would make some criticisms of it.

Regarding the Ayers House incident, I may be overcautious as a lawyer, but I believe such references were unwarranted. There was no evidence to substantiate what was the implication being drawn from the evidence in the police report. The only thing established was that an employee of Northfield Hospital was convicted of larceny of food from that hospital and that he at other times had delivered food to Ayers House. There is absolutely no tie-up or evidence to suggest that there was any transfer of food or goods from the hospital to Ayers House. Honourable members are drawing that inference, yet, as the police found in its investigations, there was no evidence to substantiate claims, and that material would have been better left out of the report.

The committee has found fault in the accounting of the commission, but the Government has announced urgent action and set up what will be a competent committee. I am convinced that the committee will do a thorough job in reviewing the problems that the Public Accounts Committee has highlighted.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I intend to speak briefly and not cover the matters so ably dealt with by the Minister of Health and the Hon. Mr. Sumner. I want to pay a tribute to the Minister and say how sorry I am that I have to rise in this debate. It is a great pity that this debate is being undertaken the last day that the Minister will be acting as a Minister in this Council.

The Minister has done an admirable job, and many people in the State will appreciate how he has turned around the situation in so many areas of his responsibility. The areas of hospitals, dental care, and mental health are only a few of those. He has turned them from neglected areas and areas inadequately catered for to areas of which we can be proud. The people will appreciate those achievements. I understand the opportunism of the Opposition in moving the motion, but I cannot excuse it. The people will appreciate what the Minister has done in welfare and for the general well-being of the people. It has been a pleasure and privilege to work with them in this Council, as we always have worked well together as a team.

I also stress the publicity that has been raised by the press, I think quite hypocritically, that somehow this Public Accounts Committee report has led to the Minister's retirement. That is rubbish. As the Hon. Mr. Sumner has said, the press was speculating a few weeks ago on the retirement of the Minister of Health and the Minister of Lands. It was an open secret that they were about to retire. The matter was discussed last year: there was nothing sudden about it. The Minister of Health said last year that he intended to retire some time this year, and that was not associated with this motion or the events of the past few days.

We know that, under the Westminster system of Government, the Minister takes responsibility for the departments under his control. The Minister of Health has shouldered that responsibility. He has not shirked it in any way. However, I think we must be realistic and agree that the areas referred to in the Public Accounts Committee report are not areas in which the Minister would be involved. The Health Department is a big department and I do not think the Minister can be implicated or that a slur can be put on his name. I thought it important to speak on this matter, and I have no hesitation in paying a tribute to the Minister.

The Hon. R. C. DeGARIS (Leader of the Opposition): One would think, from the Minister's remarks, that a slur had been placed on his name. If he reads what has been said, he will see that that is not correct. I remind the Minister of the slurs that have been placed on my name by a member opposite in the past few days, and the Labor Party did not prevent that person from making the statements. No statements have been made that in any way reflect on the personal honesty and integrity of the Minister, but the remarks about me came from the Government side yesterday.

I will deal now with what the Minister has said. One would think that the Labor Government was the only Government in the history of South Australia that had done anything in health services. However, many achievements over the years have been made by Governments from both Parties. I give this Government and the Minister credit for some things that have been done, but all things done have not been done by this Government. The Minister has mentioned the massive change that took place in nurse training. I remind him that the initial changes were made when I was Minister of Health.

The Hon. D. H. L. Banfield: I said it was over the period since we came to office in 1965.

The Hon. R. C. DeGARIS: The massive changes in nurse training occurred in 1969. Regarding the Public Accounts Committee, the first Government Bill regarding the committee did not provide for the inclusion of anyone from the Council, and more is the pity. The Bill was amended here. It went back to the House of Assembly and was dropped. It did not go to a conference and did not come back to us. Mr. Nankivell took the Bill up, it came back here, and we amended it again, but we did not insist on our amendment. It is not correct to say that this Council defeated the first Bill.

The Minister has said that he is proud of the committee's report and of its work. However, he has also said that the committee was not sincere in its report. Then the Minister talked about budgetary control and the magnificent Premier's Department, with its budgetary control. How long have these abuses been going on? How long has gross over-purchasing of meat in hospitals been going on? Then the Minister said that the blame for this lay with the Federal Government, because of the changes it made to Medibank. I do not know how one can relate over-purchasing in Government departments to any attitude that the Federal Government may take on

Medibank.

The Hon. D. H. L. Banfield: No. What I said was that, because of changes, it was impossible to implement budgetary controls, and they had to be changed.

The Hon. R. C. DeGARIS: If all the meat bought by one hospital was eaten at the hospital, each patient would be eating about 5 lb. a day. That has nothing to do with Federal Government policy. If there was budgetary control, the department would know that something was going on. It has been going on since 1972, so the Minister's talk about budgetary control cannot stand up to scrutiny.

I give credit to the Labor Government where credit is due. It can lay claim to having introduced the school dental clinic, and I give it full credit for that. However, to say that Liberal Governments screwed down and did nothing for health, and that everything done in the time of Labor Government has been magnificent work, is not to present the proper case. In the Public Accounts Committee's report is reference to the wastage of $15 000 000 a year in the administration of Government hospitals, and that is something about which this Council should express grave concern. The real question that has been raised in the motion has not been answered by any Government speaker. Evidently, the Government is proud of its tax record and proud that it will not abolish succession duties.

The Hon. C. J. Sumner: We don't pay as much tax as do three or four of the other States.

The Hon. R. C. DeGARIS: If one examines this question, one finds that in taxation and charges this State is ahead of other States. The matter of death duties, which is forcing capital out of South Australia, could be avoided if the finances of Government hospitals were reasonably controlled. The Minister talked about staff, so I will refer to a few figures in this respect. Staff employed in metropolitan Government general hospitals increased by 250 per cent from 3 981 in June 1967 to 10 317 in July 1978. The average daily in-patient figure increased by 28 per cent from 1 515 to 1 937 between those two dates, and metropolitan psychiatric staff increased from 1 158 to 2 227, representing an increase of 92 per cent compared to a 26 per cent increase in the number of patients. They are indeed staggering figures in relation to the staff of hospitals. I do not think any person looking at this matter reasonably could say that that was a reasonable rate.

Then we come to the magnificent monument of inefficiency, the Frozen Food Factory. It was expected that requisitions would be received for 40 000 pre-cooked frozen meals a day, segregated between staff and patients. However, only 18 000 meals a day are being served. Here, we have an investment of several million dollars so that 40 000 meals a day can be served, when in fact only 18 000 meals a day are being served. How can these mistakes be made if we have strong budgetary control and strong control over financial expenditure? I could go on giving more details of these extravagances.

Although the Government has a record regarding its establishment of health services, I make the point again that the Government's intention totally to socialise the health industry has caused much of this problem. Although the Government can have some pride in its achievements, I consider that in this scandal, where it can be shown that the Government has squandered $15 000 000 a year, this Council should express its concern.

I come now to the last point with which the Government disagrees, namely, that an inquiry should be conducted. How can the committee that has been set up cross-examine on matters which have been referred to in the Public Accounts Committee report and which should be further examined? One needs a strong cross-examiner to get at the real facts and the real villians in this scandalous loss of Government finance and taxpayers' funds. The committee should not be virtually an appeal from Caesar to Caesar. It should be seen as a totally independent inquiry with strong legal support so that it can get to the bottom of this matter, because there is much more in it than maladministration, and that must be exposed. The Government cannot be proud of its record and, unless this body is independent of Government interference in every way, it may be regarded as being merely a bit more plaster over the cracked walls.

If the motion is carried, I will move a motion that it be transmitted to another place, where it should be considered. It is important that the Council should express its grave concern, and that its request for a totally independent and judicial inquiry into all matters covered in the Public Accounts Committee report should be considered. I ask honourable members to support the motion.

The Council divided on the motion:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

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. Jessie Cooper. No—The Hon. J. E. Dunford.

The PRESIDENT: There are 9 Ayes and 9 Noes. Before casting my vote, I want to make clear that, had this been an attack on the Minister himself, I would have voted for its discontinuance, even though that would have been somewhat against rulings that I have given previously. However, the Hon. Mr. DeGaris has intimated that he wants the resolution transmitted to another place. To follow the decisions that I have made previously, I give my casting vote for the Ayes.

Motion thus carried.

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

That a message be sent to the House of Assembly transmitting the resolution and requesting the House of Assembly's concurrence thereto.

The Council divided on the motion:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

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. Jessie Cooper. No—The Hon. J. E. Dunford.

The PRESIDENT: There are 9 Ayes and 9 Noes. To allow this matter to be considered by another place, I give my casting vote for the Ayes.

Motion thus carried.

DANGEROUS SUBSTANCES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 6 and 8 to 10 and had disagreed to amendment No. 7.

Consideration in Committee.

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

That the Legislative Council no longer insist on its amendment to which the House of Assembly has disagreed.

I think honourable members will recall that a number of amendments were moved by this Council. My understanding is that there has been considerable discussion and that the majority of the amendments moved by the Council have been accepted in another place.

The Hon. K. T. GRIFFIN: I am pleased to support the Minister. I have had an opportunity to discuss the amendments and the concept of the Bill with one of the departmental officers, and I appreciated that opportunity. Having discussed with him this amendment, which relates to revocation or variation of conditions attached to an exemption from certain parts of the Bill under clause 25, I can see that there could be considerable disadvantage in imposing the time limit of 14 days, as referred to in this amendment. I am prepared to accept that, if such a clause were inserted in the Bill, it could create difficulties, not only for the department but for people who are licensed or are seeking licences for exemptions. In view of that, I am satisfied that there is no need to proceed with this amendment.

Motion carried.

WHEAT STABILISATION ACT AMENDMENT BILL

In Committee.

(Continued from 28 February. Page 3090.)

Clause 4—"Licensed receivers."

The Hon. R. A. GEDDES: Last night I drew attention to the reference in this clause to section 40 of the Commonwealth Act which I said I thought should be section 19. The Minister agreed to look into the matter, and an officer of the Agriculture Department came to see me this morning, he having checked with the officers concerned in Canberra, and confirmed that section 40 is the correct reference. I thank the Minister for his help and for giving me the opportunity to have the matter checked.

Clause passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

NORTH HAVEN TRUST BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 3077.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill establishes a trust to facilitate the development and management of the North Haven marina and associated facilities. The Council may remember that in 1972 the original indenture Act was passed granting the A.M.P. Society the right to develop the area of North Haven. I quote briefly from the second reading explanation given by the Hon. Frank Kneebone, the then Minister of Lands, as follows:

Some days ago, the Premier and the Minister of Marine, on behalf of the Government of South Australia, executed an indenture with the Australian Mutual Provident Society to provide for the establishment of a low-cost housing development in the area near Outer Harbor known as North Haven. The purpose of this Bill is, therefore, first, to ratify and give effect to the indenture as executed, and, secondly, to enact into law certain undertakings that are contained in the indenture. The indenture effectuates the desire of the Government to make land available to the average income earner in a pleasant environment and conveniently situated in relation to the Port Adelaide industrial area. For its part, the Government is making available to the society land at somewhat below market value though without loss to itself, and the society for its part is required to subdivide the land and to provide some major and quite expensive works, the most important of which are an enclosed boat harbour and launching ramp for trailer boats. In addition, other recreation facilities, including a golf course, will be provided by the society.

This Bill moves away from that concept and will be responsible for some of the development of North Haven. There are comments I could make on this but I feel that, at this late hour, I should not go into things too deeply. However, the matter, being of a hybrid nature, was referred to a Select Committee of the Lower House, and that committee's report is now available to us. The Government will now be responsible for developing what may be said to be the public facilities to be provided at North Haven. It is probably necessary: although there has been a drop in demand for housing blocks, the public facilities to be provided will serve more than just the area of North Haven. I support the second reading.

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

SOUTH AUSTRALIAN GAS COMPANY'S ACT AMENDMENT BILL

(Second reading debate adjourned on 28 February. Page 3076.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Limitation of size of shareholdings that may be held by individual shareholders or groups of associated shareholders."

The Hon. R. A. GEDDES: How can directors assume that a group of shareholders, such as those outlined, could act in concert and believe that they were trying to take control of the company? Many shares must be bought before control can be obtained.

The Hon. B. A. CHATTERTON (Minister of Agriculture): It is intended to prevent someone taking control of the company through nominees. The three clauses try to cover every possible combination of the use of nominees.

The Hon. D. H. LAIDLAW: The Government has amended the voting scale. In my second reading speech I said that the scale would be retained so that shareholders with up to 125 shares would get five votes. That has been liberalised so that, although no shareholder has more than five votes, he gets there with 2 000 shares. It is quaint that shareholders with less than 50 shares are entitled to no votes.

The Hon. M. B. CAMERON: A person who has recently purchased shares in the company could incur a loss if he is forced to sell under this legislation. Does the Government consider it proper to inflict a loss on someone in this way, even if he has been described as an asset stripper?

The Hon. B. A. CHATTERTON: I do not believe that is a likely situation. The honourable member suggests that the Government should somehow be involved in compensation if an investor makes a loss. I do not see any reason why anyone should make a loss on such remarkably stable shares. They have a sound asset backing, and genuine investors will not lose in any way. It is essential for the Bill to have a clause to provide a genuine penalty for people infringing the other provisions.

The Hon. D. H. LAIDLAW: I take issue with the Hon. Mr. Cameron. Gas Company shares have risen up to 90c since Mr. Brierley announced he was purchasing shares in the company. If he were forced to sell his shares within the next six months, I am not sure what the position would be.

The Hon. M. B. CAMERON: It is remarkable that one of the bastions of free enterprise should take issue with me, when I am trying to arrive at a reasonable decision from the Government concerning someone who has purchased shares in the company.

How are we to know that this man was not genuine? He may have stripped assets from companies in the past but I have no knowledge of that. How are we to know he did not want to invest in the South Australian Gas Company? Now he is being forced to divest himself of the shares. The assumption that he bought at a lower price is remarkable. I should think that, if he bought them and then sold at a lower price, he would lose money.

The Hon. B. A. Chatterton: It is a paper loss.

The Hon. M. B. CAMERON: It would not be if he paid money for the shares. If he receives less than he paid, we would be confronting him with that situation. If the Government wanted to protect this company, it should have taken it over totally.

The Hon. D. H. Laidlaw: How are you going to value the shares?

The Hon. M. B. CAMERON: That is for the Government, not for me. I guess that that problem arose in the case of the Adelaide Electric Supply Company. I understand that the price of gas shares has dropped from 92 per cent to 61 per cent, and we probably are forcing a loss on a person who has done nothing wrong.

The Hon. C. M. HILL: I have sympathy with the point raised by the Hon. Mr. Cameron. It is unfortunate when a citizen acts within the law and, by Government legislation, within six months is faced with a loss situation. I wonder whether the Hon. Mr. Cameron may be happier if the six months is increased to 12 months so as to give a longer time for a person to watch the market and have an opportunity to sell at the best time. In that way, if he suffered a loss the loss would be minimised. There would be more safety for him than if the new law confronted him with a loss.

The Hon. M. B. CAMERON: It would be an unhappy compromise, because it would not cover the situation I am talking about. However, it would cover it to some extent, and I would be happy to support it. I do not believe that it is necessarily Mr Brierley, or Industrial Equity, who is increasing the price now. If he was the only person buying the shares, the price would not have increased. If the Hon. Mr. Hill is foreshadowing an amendment, I will support it.

The Hon. C. M. HILL: I ask what would be the Government's view of such a proposition.

The Hon. B. A. CHATTERTON: I do not support the foreshadowed amendment. I think the time provided in the Bill is adequate. The Hon. Mr. Laidlaw has pointed out that it is normal for someone wishing to purchase shares to do so without announcing his intention. This is the normal pattern of take-over operations. I think the Hon. Mr. Cameron's fears that the person buying the shares will be out of pocket are unfounded. I cannot see any need for concern.

The Hon. R. A. GEDDES: I cannot understand what would happen and what effect this bogy of taking over the South Australian Gas Company would have. Acts govern the company's dividend rate and provide for what it has to do, namely, deliver gas to the metropolitan areas. I cannot see that it would matter two hoots whether Mr. Brierley or someone else was Chairman of the company.

Regarding the laudable comment that the Hon. Mr. Cameron has made, new section 5a (1) provides that no shareholder, and no group of associated shareholders, of the company is entitled to hold more than 5 per cent or such greater percentage as may be prescribed of the shares of the company. The Investment Managers of the A.M.P. Society and the National Mutual group of companies gave evidence to the Select Committee. I imagine that those companies hold a reasonable parcel of shares. Investment companies would be able to bid for shares that might be forfeited to the Crown. If those companies were restricted to 5 per cent, would they come under this provision? Is everyone restricted to 5 per cent? If so, how do investment companies hold more than the prescribed percentage?

If the Bill is designed to stop Industrial Equity from getting more than 5 per cent, how can anyone else own more than that amount?

The Hon. B. A. CHATTERTON: I think it is allowed under new section 5a (1), which contains the words "or such greater percentage as may be prescribed of the shares of the company".

The Hon. M. B. CAMERON: In other words, this Bill will be used in a discriminatory manner against certain shareholders. That is indeed disturbing, because it is obvious that someone else will now be able to put in a bid for these shares and hold more than 5 per cent.

The Hon. R. A. Geddes: What would happen if Mr. Brierley took over one of the insurance companies?

The Hon. M. B. CAMERON: That is so. Will Mr. Brierley be granted an exemption under this clause? Will he be allowed to hold more than 5 per cent? Will the Government give an undertaking that Mr. Brierley would not be forced to divest himself of his additional shares if this happened?

The Hon. B. A. CHATTERTON: The second reading explanation explains the matter, as follows:

> The Bill, as it is framed, provides for a limitation on shareholding so that no individual shareholder can hold more than 5 per cent of the shares. The only current shareholder that this provision would effect will be Mr. Brierley and, if Parliament concurs with the restriction, Mr. Brierley will be required by law to divest himself of any excess shares above 5 per cent.
>
> In addition, the Bill contains provision that limits the voting power of any one shareholder to five votes. It is also designed to ensure that control cannot be obtained through the device of inducing associates of a shareholder to buy shares . . .

The Hon. M. B. CAMERON: In other words, Mr. Brierley is the person at whom the Bill is aimed, and he will have to divest himself of the extra 5 per cent. However, if another shareholder who is acceptable comes along and wants to purchase the extra shares, he may be able to do so under the regulatory powers. If the other shareholder holds more than 5 per cent, he will not have more than five votes. In that case, can the Minister explain why it is necessary to force Mr. Brierley to divest himself of the shares? If that gentleman is restricted to five votes, he will not be able to do anything to the company, anyway.

The Hon. B. A. CHATTERTON: I am sorry that the second reading explanation has not been available to honourable members. However, it is in *Hansard* for all to see. I thought that the whole philosophy of the Bill, which is really what the honourable member is asking about, was ably explained in the second reading explanation. It would therefore be better for the honourable member to refer to the explanation, which gives the reasons why it has been considered necessary to make these moves.

The Hon. M. B. CAMERON: I am disturbed that the Minister has been so adamant in not allowing additional time for Mr. Brierley to divest himself of shares. I am

disturbed that we are passing a Bill that is aimed at one person only, namely, Mr. Brierley, who has done nothing wrong.

Clause passed.

Clause 3 and title passed.

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

That this Bill be now read a third time.

The Hon. M. B. CAMERON: It should be stated in the Council before the Bill passes that we are again setting a dangerous precedent. We are setting out to pass an Act of Parliament that will be referred to in future as an indication of support for a certain course of action, namely, to take specific shares from a shareholder of a company.

In future, people will not remember that we, by passing this Bill, were trying to protect the South Australian Gas Company. Rather, they will see it as a certain course of action, and it will be thrown up to us as an example of what we did. Mr. Brierley's name will never be mentioned, as it is not included in the Bill, which will merely be used as an example of what we allowed the Parliament to do.

We will be quoted on this matter just as precedents are quoted in courts of law. We will be told that we laid down a precedent for a course that Governments might follow in future. People will not remember that Mr. Brierley bought shares at 50c, or that he was supposedly a creditor or an asset stripper. Before we pass this Bill, we should be sure of what we are doing, namely, laying down something that future generations of politicians will throw back at this Council and the Parliament.

The Hon. R. A. GEDDES: I endorse the principle that has been enunciated by the Hon. Mr. Cameron. I see this as a precedent that those who cherish free enterprise could well regret in years to come. It almost involves a saving of the old school tie simply because some usurper is coming in and spoiling the club luncheon. I cannot for the life of me see what Mr. Brierley could have done had he been allowed to operate in these shares on the Stock Exchange, which involves a free enterprise method of investing money. Honourable members would be taking a retrograde step if they supported the Bill.

The Hon. M. B. DAWKINS: I, too, have no brief for Mr. Brierley. Indeed, I do not even know the gentleman, although I have heard of some of his activities. I believe in free enterprise, and this Bill could be unduly restrictive.

I view the Bill with some concern, not because of its immediate effect but because of the precedent it sets. Any intention to interfere with the normal trading of free enterprise is regrettable. It is strangely inconsistent that this Government, which is prone to want to take over some private firms, in this case apparently wants to preserve the old school tie and look after those who already own shares in this company and in another company that we dealt with last year. Because of the precedent that the Bill sets, I indicate my grave concern.

The Council divided on the third reading:

Ayes (12)—The Hons. D. H. L. Banfield, F. T. Blevins, J. C. Burdett, J. A. Carnie, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creddon, R. C. DeGaris, D. H. Laidlaw, Anne Levy, and C. J. Sumner.

Noes (4)—The Hons. M. B. Cameron (teller), M. B. Dawkins, R. A. Geddes, and K. T. Griffin.

Pairs—Ayes—The Hons. J. E. Dunford and N. K. Foster.

Noes—The Hons. Jessie Cooper and C. M. Hill.

Majority of 8 for the Ayes.

Third reading thus carried.

Bill passed.

SEEDS BILL

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN TIMBER CORPORATION BILL

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

TRADE STANDARDS BILL

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

MINORS CONTRACTS (MISCELLANEOUS PROVISIONS) BILL

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

APPEAL COSTS FUND BILL

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

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

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

DOOR TO DOOR SALES ACT AMENDMENT BILL

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

EDUCATION ACT AMENDMENT BILL

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

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

HIGHWAYS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It provides for a variety of amendments to the principal Act. The most prominent of these are, first, the enactment of a new section empowering the Commissioner to remove unattended vehicles from roads declared under the principal Act to be controlled-access roads, secondly, the enactment of provisions which will enable the titles of land comprising roads closed under the principal Act to be consolidated with the titles of contiguous land, and, thirdly, the recasting of parts of the existing section which authorises the payment of moneys out of the Highways Fund. The Bill also deals with other matters, including the delegation of the Commissioner's powers and functions, the recasting of the provision relating to the Deputy Commissioner and the substitution of Ministerial consent for the approval of the Governor in the disposal of land held by the Commissioner.

The authority to remove unattended vehicles is similar to the existing police and local government powers in this area. However, the latter, at least, are only operable in local government areas; consequently it is considered desirable that the Commissioner should be vested with power of his own. The proposed provisions relating to the consolidation of titles are the same, in substance, as existing provisions in the Roads (Opening and Closing) Act, 1932-1978. In many cases, however, the Commissioner chooses to exercise the right of closure contained in the Highways Act, as this, unlike the parallel procedure in the Roads (Opening and Closing) Act, does not necessitate local government approval. Consequently, there is a need for consolidation provisions in the principal Act.

The provisions concerned with the disbursement of moneys from the Highways Fund have been partially recast for two main reasons; to provide a rather more flexible formula to cover payments relating to road safety, and to remedy a possible flaw in the existing terminology which may, strictly, require parliamentary authority for those payments, and also payments relating to the operation of ferry services. In addition, a small paragraph has been inserted to ensure that authority exists to make payments for administrative costs of functions carried out by the Commissioner otherwise than under the principal Act. The Commissioner's participation in certain local government drainage programmes and the maintenance of the River Torrens makes this provision desirable. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts a new section numbered 12a which enables the Commissioner to delegate his powers and functions to any officer of the Highways Department. This provision validates delegations which the Commissioner may have made prior to these amendments coming into effect. Clause 3 substitutes a new section 13 for the existing provision in the principal Act, relating to the Deputy Commissioner. The old section provided for the appointment of a Deputy only in cases where, for various reasons, the Commissioner was unable to perform his duties. The proposed section establishes a permanent Deputy Commissioner who, in addition to his other duties of office may perform the duties of the Commissioner in the latter's absence.

Clause 4 amends section 20 of the principal Act, which provides *inter alia* for the disposal of land vested in the Commissioner. This amendment substitutes reference to the approval of the Minister for the existing reference to the consent of the Governor. Clause 5 inserts a new section numbered 26e into the principal Act. This section empowers the Commissioner to remove vehicles from controlled access roads if they are left unattended for twenty-four hours or more or if they are in a position that is likely to obstruct traffic or cause injury. This provision also requires the Commissioner to give notice of removal to the owner of a vehicle which has been removed, and if the owner does not claim the vehicle, the Commissioner may sell, or otherwise dispose of it.

Clause 6 effects a minor amendment consequential on the amendments contained in clause 7, which inserts new sections numbered 27ad, 27ae, and 27af into the principal Act. These sections provide for the consolidation of titles of land comprised in roads closed under the principal Act and contiguous land. Section 27ad sets out the procedure to be followed in cases where the titles are to be consolidated at the instigation of the Commissioner, while 27ae deals with the situation where a registered proprietor of two adjacent areas of land, one of which was a road closed under the principal Act, applies for consolidation himself. Section 27af provides that, on consolidation, the closed road shall be deemed to be merged with, and have the same identity as, the contiguous land.

Clause 8 amends section 32 of the principal Act, which is concerned with the payment of moneys out of the Highways Fund. This clause re-casts paragraphs *(l)*, *(m)*, *(n)* and *(o)*, and inserts a new paragraph identified as *(p)*. Paragraphs *(l)* and *(m)* deal with payments in respect of road safety. In the existing provisions, the moneys payable ought, strictly, to be appropriated by Parliament; in the proposed amendments the Treasurer will simply certify the amounts due. Paragraph *(l)* has also been redrafted so that the maximum amount available for payment is expressed as a percentage of the amounts received by the Registrar of Motor Vehicles for the issue of driver's licences. The old provision referred to a particular amount of money for every licence issued. This is unsatisfactory, as it requires amendment if licence fees and the duration of licences are altered, as they were in 1976. The new provision is to have effect back to the first of July of that year. Paragraph *(n)*, which deals with payments for the provision of ferry services, has been amended so as to delete the existing requirement for appropriation by Parliament, and the new paragraph *(o)* which is concerned with payments for traffic control devices, is now expressed in terms which more closely follow those of a related section in the Road Traffic Act, 1961-1976. Paragraph (p) permits payment to defray the administrative cost of functions carried out by the Commissioner otherwise than under the principal Act.

The Hon. C. M. HILL: I have had an opportunity briefly to look at the Bill before us, although we are only working on a copy of the Bill from another place. A few moments ago I was handed the copy of the second reading explanation to which the Minister has just referred. It is now 11.50 p.m. on the last sitting day of the session and the fact that Bills like this come into this Chamber at this late hour, with the Government expecting this House adequately to review measures of this kind, is quite ludicrous. It makes a mockery of the two-House system, and the loser in all this is the State. The people of this State can find that they have new laws under which they must live that have not been adequately dealt with by Parliament in that they have passed the Lower House in the proper fashion but have not been adequately reviewed in this place, simply because this House has not been given the time by the Government to do so.

Looking back on the latter half of last year, because of

the Government's quite ridiculous programming of the legislation, we were sitting around in this Chamber literally twiddling our thumbs and waiting for the Government to bring up legislation from the other place. We knew through all those months what would inevitably happen, and what we thought would happen is happening tonight and has also happened on the two previous nights, when we worked until about 2 o'clock in the morning. It is not good enough for the people of South Australia. They expect their Government of the day that they elect to do the job properly and carry out that wish. I take the strongest possible exception to this Government's dealing with the legislation programme in this way.

In the Bill the first operative clause gives new power to the Commissioner, and enables him to delegate, in turn, his power to any officer of the department. New section 12a (2) provides:

> (2) A delegation under subsection (1) of this section—
> *(a)* is revocable at will;
> and
> *(b)* shall not prevent the Commissioner from acting personally in any matter.

Clause 2 provides:

> Clause 2 enacts a new section numbered 12a which enables the Commissioner to delegate his powers and functions to any officer of the Highways Department. This provision validates delegations which the Commissioner may have made prior to these amendments coming into effect.

Those of us who are rather long in the tooth in the legislative system know that if any Government wishes to pass a Bill quickly and with a minimum of queries, it is left to the last day or two of the session. This clause causes me to be rather suspicious. It seems strange that the Government is giving the Commissioner this power of delegation. He has his deputies, and his Assistant Commissioners to whom he can delegate his powers under other arrangements. The Government admits that the provision validates delegations that the Commissioner may have made before those amendments come into effect.

I want to put the question clearly to the Government so that I am not misunderstood in any way: has the Commissioner made any delegations, giving any concern to him or the Government, to any of his officers of which he has knowledge and the Government has knowledge that are raising any query at all in the administrative process? If something has been done that has raised a query, Parliament should be told about it when the Government introduces a measure like this. It has a retrospective effect. Some delegations might have been made in error some months ago or even a few weeks ago, and this Bill will make it quite legal and proper. I am not suggesting that the Commissioner of Highways has deliberately done anything of that nature. I know him well: in fact, I appointed him to his present position in 1969. I have the highest respect and the highest admiration for him as a senior public servant in this State, and all the comments I am making are directed against the Minister in charge of the Highways Department.

In view of the fact that the Government admits that it validates delegations that the Commissioner may have made prior to these amendments coming into effect, I suspect that this power of delegation may well be trying to close up a problem that has occurred and of which Parliament is not informed. I ask the Minister to reply to that question when he sums up the debate. I would like him to be particularly sure that investigation has been made to see whether there is any reason at all why, at this late hour in the session, that clause is being put to Parliament for approval.

Clause 3 deals with the appointment of a Deputy Commissioner. The Deputy Commissioner's appointment is already covered in the legislation. This is a better provision, in my view, than the old one. In his explanation of clause 3, the Minister said:

> The old section provided for the appointment of a deputy only in cases where, for various reasons, the Commissioner was unable to perform his duties. The proposed section establishes a permanent Deputy Commissioner who, in addition to his other duties of office, may perform the duties of the Commissioner in the latter's absence.

I recall that it was not long ago when a new Deputy was appointed. The Commissioner was absent on an overseas trip and the new Deputy made some public announcements concerning the activities of the Highways Department. He filled the role as Acting Commissioner. I think it is quite proper, therefore, that a clause such as clause 3 should be approved.

Clause 4 deals with the general powers of the Commissioner and gives him the power to sell land with the Minister's consent rather than the consent of the Governor (by the "Governor" it means the Government). The purpose of sales of this kind arises when the Minister has land which is redundant to his requirements and it is quite proper that it should be sold. I agree that it is a better approach that the Minister only need give consent in situations such as that. This clause allows the Commissioner to lease land by obtaining only the consent of the Minister rather than having to have the Government's consent.

In the past, under the old section 20, it was also possible for the Commissioner to grant leases for up to six years without the need for the Government's consent, but for leases in excess of that term this further approval was required. I approve of clause 4.

Clause 5 deals with the matter that the Minister read out in his explanation concerning the removal of vehicles causing obstruction or danger on controlled access roads. I support the Government's approach to this matter. It is proper that the Commissioner and his officers, on controlled access roads, if vehicles have been left by owners or if they are a nuisance or obstructive, have the right to remove them and deal with them in a matter comparable to that of local government in ordinary council activity. It is a lengthy clause and deals with the various stages that must be gone through by the Commissioner regarding removals when endeavouring to obtain the name of a vehicle owner, and deals with the various methods by which he must dispose of a vehicle. It also deals with the various methods of distribution of the proceeds that the Commissioner might get from such a sale. I support the clause.

Clause 6 deals with road closing by proclamation. I would like to review this clause further because there is one aspect of it that I have some doubt about, and I will need a little more time for it. Clause 7 deals with the transfer of land which has formed part of a road closed by the Commissioner, and the various circumstances involved in consolidating that land, which has been part of a closed road, with adjacent land, is set out in the new section 27ad, which is introduced as a result of clause 7. I have read the clause in detail and I support it. New section 27ae deals with consolidation of existing titles to closed roads and the various encumbrances to which land which is contiguous to the closed road might be subject, to the protection of such encumbrances, and other liens and interests that might be on the contiguous land title. I support clause 7.

Clause 8 deals with the matter of portion of the moneys received by the Registrar of Motor Vehicles being

allocated for road safety purposes. Members will recall that in the old Act, which was amended not many years ago, $1 of each driver's licence fee had to be allocated for road safety purposes. The Government has adopted a new approach, and in this Bill the Government requires one-sixth of the fees raised by the Registrar of Motor Vehicles for drivers' licences to be allocated for road safety purposes. Then the Government looks at the allocation of a portion of the moneys received for vehicle registration by the department, and it lays down that 6 per cent of those fees should be allocated for road safety purposes. It was also one-sixth in the old Act, so there is no variation in that. There is a new paragraph *(p)* in clause 8 of the Bill which states that as well as the various purposes for which the Highways Fund can be used it can also be used:

> in defraying the administrative costs of any function carried out by the Commissioner, otherwise than under this Act, with the approval of the Minister.

That is fairly wide and I have grave doubts whether or not it ought to be there. It was not long ago that, if the Government of the day put its hands into the Highways Fund and wanted to take out some of the money for purposes other than roads and bridges, and works of that kind that are of direct assistance to the motorist, great objection was raised. I remember coming into this House as a young member and one of my colleagues at that time, the Hon. Sir Norman Jude, always raised the point and gave warning to this Chamber that it should watch and protect the Highways Fund of this State.

He said that there would always be a growing trend by successive Governments to use what he called motorists' money for purposes other than building roads, the design of roads, the design of intersections and bridges, overways and similar roadworks.

The Hon. M. B. CAMERON: On a point of order, Mr. Acting President. What Bill are we discussing? I fail to find any Bill that relates to the matter the Hon. Mr. Hill is raising.

The Hon. C. M. HILL: Perhaps I can assist the Hon. Mr. Cameron, who may not have been here earlier when I began to speak in this debate. The Bill was introduced in this Council at 11.50 p.m. to amend the Highways Act. When I rose, I objected strongly to receiving such a Bill at that time. As I said, clause 2 makes me suspicious about why it is being introduced so late.

The Hon. M. B. Cameron: Is there only one copy in the Council?

The Hon. C. M. HILL: As honourable members know, we have had such a tremendous rush of legislation during this week that those of us in this Council who feel that we want to co-operate as much as we can with the Government have made efforts from time to time to go to another place to see what Bills we might still expect. During the evening I went to another place and sought a copy of this Bill, which is not yet on members' files. It must be said that a number of the Bills that we have been debating this week have not been on members' files.

We are trying to assist the Government, while at the same time condemning it for its rushed legislative programme. If the honourable member does not have a Bill, I can only explain to him that that was how I got my copy. I am using a copy that I obtained from another place, and I am using a second reading speech that the Minister had handed to me a few moments ago when he introduced the Bill.

I intend to seek leave to conclude my remarks later so that I can investigate one clause about which I have doubt. The Government may be willing to allow me to do that, and perhaps in the next hour or two, members, if they are still awake, may be able to review the Bill and obtain copies of it. Then in the early hours of the morning it will come on again for further debate. I hope that that satisfies the honourable member.

The Hon. M. B. Cameron: It does not satisfy me; it merely provides an explanation.

The Hon. C. M. HILL: I am trying to help the honourable member in the predicament that has caused him to take the point of order. I should like to finish off by stressing this warning: this Council has a duty to watch carefully the distribution of funds from the Highways Fund. The fund is not made up of revenue collected for general revenue purposes, such as taxation and other charges. It is comprised of revenue that is allocated into the fund by motorists throughout South Australia. As honourable members know, the fund has three sources: first, the net revenue received by the Registrar of Motor Vehicles; secondly, the net proceeds from the road maintenance collection; and, thirdly, the money allocated by the Federal Government from roads fund money.

The Government, in the last clause is endeavouring to amend the Bill so that certain portions of the drivers' licence and registration fees are allocated for the Police Department in its road safety work and for other road safety services. The last clause, however, could be the sting in the tail of the whole thing as it provides, in paragraph *(p)*:

> in defraying the administrative cost of any function carried out by the Commissioner, otherwise than under this Act, with the approval of the Minister.

That is a wide provision. Because it is new and because the question of protecting fund moneys is paramount, the Council should look closely at that new power that the Government is endeavouring to give to the Commissioner. In seeking to conclude my remarks later, for the reasons I have indicated, I would like the Minister in charge of the Bill to endeavour to obtain an answer to that question whether or not the Commissioner has given any delegations in the past which this Bill will correct and about which this Council has not been told.

Leave granted; debate adjourned.

RAILWAYS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This small amending Bill is, in a sense, consequential on the Bill to amend the Highways Act, 1926-1975, which is currently before this Parliament. The purpose of this Bill is to amend section 84 of the principal Act, which deals with the disposal of surplus railway land held by the State Transport Authority. At present such disposals require the consent of the Governor. In the light of amendments to the corresponding provisions of the Highways Act, it is proposed that Ministerial approval be substituted. Clause 1 is formal. Clause 2 amends section 84 of the principal Act by substituting reference to the "approval of the Minister " for the existing reference to the "consent of the Governor".

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

ROAD TRAFFIC ACT AMENDMENT BILL

In Committee.

(Continued from 28 February. Page 3079.)

Clause 5—"Failure to stop and report in case of accident."

The Hon. M. B. DAWKINS: I express my thanks to the Minister for reporting progress and thereby enabling me to examine the letter which I received from the General Manager of the Royal Automobile Association. I have had a further look at that letter, and, having taken note of several points which were made about four of the clauses, I do not wish to proceed with any amendment. I am happy for the Bill to go through as it stands.

Clause passed.

Remaining clauses (6 to 25) and title passed.

Bill read a third time and passed.

WATER RESOURCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2982.)

The Hon. M. B. DAWKINS: I rise to support this Bill, which makes a number of unconnected amendments to the Water Resources Act of 1976. I do not wish to deal with those matters in great detail at this late hour.

I note with interest that the system for the levying of charges for use of water in excess of the water allotment applying to the Murray River licensees and also applying to the Adelaide Plains provides the means whereby excess use of water is self-regulated and this has been found to be a most satisfactory way to administer water use, as it eliminates, except in blatent cases, the need for prosecution. It may level out the need for water in the Adelaide Plains area, where many people do not readily understand the restrictions they must observe.

I note with particular interest the alteration made in clause 3, the definition clause, to the term "watercourse". It is being widened to include any artificial channel that is vested in or under the control of a public authority. I ask the Minister to give more detail about why that addition to the definition has been made. Many artificial channels in the State are vested in a department or an authority. There are a lot on the Murray River, although in some cases they are being replaced by covered pipes, and there are also the channels in the south-eastern drainage area, which come under the jurisdiction of the South-Eastern Drainage Board. It would concern me if any restrictions were planned.

There is also the possibility of using channels of this kind, which doubtless will be under the department's control, to implement reasonable use of Bolivar water. I have referred to the over-use of underground water in the Northern Adelaide plains. For a long time we have been urging the Government to extend the use of Bolivar reclaimed water (which is used in a limited way at present) in relieving the underground basin by use of the effluent water as a shandy, so to speak.

In recent months I have seen the quality of the reclaimed water produced at treatment works in the Hills and at Christies Beach. The clarity is very good, certainly much better than that produced at Bolivar at present. However, Bolivar water has been proved to be successful in irrigation in the area where it has been used. A few years ago the Minister of Lands showed the late Hon. Harry Kemp and me the very successful blocks that had been watered on a trial basis to a considerable degree with Bolivar water to find out whether there were any detrimental effects. Those blocks were very successful.

It seems a shame that we have not been able to use Bolivar water as we should be using it. I believe that it should be used under this Act, and any extension of the definition of "watercourse" in the terms that I have mentioned possibly would facilitate the use of Bolivar water to relieve over-pumping of the underground basin. There are in the Bill several other matters that I do not wish to discuss at this late hour. I support the second reading.

The Hon. M. B. CAMERON: I want to refer briefly to a matter that I understand has been alluded to by the Hon. Mr. DeGaris; that is, whether what seems to me to be an all-encompassing Bill covers the South-Eastern drainage system. I would be disturbed if it did, because there already exists a satisfactory system under the control of a responsible board that has built up its own method of controlling and diverting waters. Many people use South-Eastern drainage water at certain times of the year, and they have their own system under the South-Eastern Drainage Board. I ask whether the Bill encompasses that matter. If it does, I believe that consideration should be given to an amendment to cover that situation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. C. DeGARIS (Leader of the Opposition): I asked questions in the second reading debate and the Hon. Mr. Cameron and the Hon. Mr. Dawkins have asked similar questions. Will the Minister say what is intended by the amendment to section 5 that is made by clause 3? The definition clause includes the following definition:

"public authority" means—

(a) the Crown:

(b) any council, or any body corporate that is by virtue of any Act deemed to be or vested with the powers of, a council within the meaning of the Local Government Act, 1934-1978; or

(c) any prescribed body corporate established by or under any Act.

It seems from the Bill that that control means taking over the waters in the council areas. One council, the Millicent council, has control of the drainage area and the waters in the district. That arrangement has operated successfully for a number of years, and I would not want it altered. They have their own system of irrigation pumps and their own way to control flow and irrigation. Further, a number of other drainage schemes is in operation, the Mt. Tom Baker drain being used over a large area. Does this Bill give control over those waters?

The Hon. B. A. CHATTERTON (Minister of Agriculture): I understand that it does not cover the South-Eastern drainage or the irrigation channels. Perhaps it could be proclaimed to do so, but there is no intention to do that.

Clause passed.

Remaining clauses (4 to 9) and title passed.

Bill read a third time and passed.

PREVENTION OF POLLUTION OF WATERS BY OIL ACT AMENDMENT BILL

(Second reading debate adjourned on 28 February. Page 3089.)

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Removal and prevention of oil pollution."

The Hon. K. T. GRIFFIN: I move:

Page 5, after line 34—Insert paragraph as follows:

(ba) resulted from the carrying out, or an attempt to carry out, a direction of the Minister;

My amendment relates to new section 7c. Under this clause, there is power for the Minister to give directions. It

seems appropriate to provide a defence so that, if the direction results in an offence having been committed, a defence is available.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I am prepared to accept the amendment.

Amendment carried.

The Hon. R. A. GEDDES: I move:

Page 6, lines 6 and 7—Leave out "in relation to the provision or maintenance of lights or any other navigational aid".

Under the Bill as it stands, the master of a ship might not be charged with negligence if he has an accident and if there is a spillage of oil, if it can be proved that the Government or other authority was carrying out its functions in relation to the provision or maintenance of lights or any other navigational aids. If the master of a ship can be provided with such an excuse, so also should the driver of a road tanker carrying oil or petrol who may have an accident caused by a failure of traffic lights at a road intersection. The deletion of the words referred to leaves the clause clear for all parties in the event of a dispute.

The Hon. B. A. CHATTERTON: I accept the amendment.

Amendment carried.

The Hon. R. A. GEDDES: I move:

Page 7, line 14—Leave out "driver" and insert "person in charge".

The master of a ship has so much responsibility that one would assume that he is of greater intelligence, but the driver of a tanker probably would not even know about the Act. The owner of the vehicle, the person in charge, should be responsible for the vehicle.

The Hon. B. A. CHATTERTON: I accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 14) and title passed.

Bill read a third time and passed.

Later:

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

RAILWAYS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3169.)

The Hon. C. M. HILL: In his second reading explanation, the Minister said that the Bill was consequential upon the passing of the Highways Act Amendment Bill, but it really relates to that Bill only in that it deals with the disposal of land which is not required for departmental purposes, as did the highways measure. Other than that, I see no great connection between the two.

This is a short Bill with one operative clause, and it provides that surplus land can be disposed of in the future with the approval of the Minister, rather than with the approval of the Governor. I think it is quite reasonable that that should occur. I notice, too, that the report made annually by the Railways Commissioner stating what properties he has disposed of will be presented in future to the Minister rather than to the Governor. That practice is in keeping with a modern approach to the Commissioner's powers and functions. I support the second reading.

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

REAL PROPERTY ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2, 3 and 18; had disagreed to amendments Nos. 1 and 5; had disagreed to amendments No. 4, 6 to 17, and 19 to 24, and had made alternative amendments in lieu thereof; and had made consequential amendments to the Bill.

Consideration in Committee.

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

That the Council do not insist on the amendments disagreed to by the House of Assembly and agree to the alternative amendments made by the House of Assembly.

Honourable members have before them a long schedule of amendments and alternative amendments made by another place, on which amendments much discussion has ensued. The compromise now before the Council has been agreed to by all concerned.

The Hon. J. C. BURDETT: I support the motion. What the Minister has said is correct. The Council proposed to retain the requirements of registered post in relation to applications to bring land under the Act. Apparently, some difficulty is experienced in this respect. I am willing to agree to this being done by certified post, as required in one of the two amendments that have been agreed to.

Many of the amendments refer to "a form to be prescribed by regulation" in lieu of "a form to be approved by the Registrar-General". It seemed in discussion that difficulties were likely to be experienced in the initial stages with the new computer system. So, the term adopted in the amendments is "appropriate form", which is defined as meaning a form approved by the Registrar-General for the first two years, and, thereafter, to be prescribed by regulation.

I refer also to the difficulty that existed in the minds of some members regarding the provision in the original Bill that gave the Registrar-General a wide power to reject instruments. This matter has been tidied up to the satisfaction of most honourable members, in that the Registrar-General has power to reject an instrument only after certain notices have been given. The other main matter related to the renewal of a lease within a certain time and that, too, has been resolved to honourable members' satisfaction. I support the motion.

The Hon. C. M. HILL: In the discussion that ensued in an effort to resolve the differences between the Houses, the Council has insisted on the deletion of the provision that the Registrar-General shall be under the Minister's direction. That is indeed a proper course, as the Bill in its previous form was most objectionable.

The Hon. Mr. Burdett made a point that is worth further emphasis. The Council was concerned previously that the forms of instrument that had been in schedules in the parent Act were, in the Bill that the Council originally considered, to be drawn up and approved by the Registrar-General. The point was made in debate that this might cause some instruments to be lodged with and yet not be accepted by the Registrar-General, as a result of which serious consequences in the conveyancing procedure would result.

Because the Registrar-General needed some time in which to introduce his new panel forms and his computer system generally, because he acknowledged that there would have to be a minor adjustment to those forms during the early period of the new system, and so that that new system could have a fair and reasonable implementation period, it was decided that in the initial period the Registrar-General would continue to prepare these forms. However, after two years he would have to bring down regulations in which the forms were clearly defined.

So, after the initial period of two years (which I think is fair, when one realises the tremendous change that will occur in the whole system), the same principles will apply as have applied in the past: the forms of the instrument will be part of the law.

Another change has been agreed to regarding the rejection by the Registrar-General of instruments contained in clause 29. As a result of the agreement that has been reached, the Council will accept the Bill as it stands but with a rider added to it.

That is to say that the Registrar-General will initially be able to reject any instrument, but the provisions of a new subclause will apply. It implies that there must be negotiation between the Registrar-General and the party lodging the instrument, and the period set down, to give a fair and reasonable period for communication between the Lands Titles Office and the conveyancer so that the harshness that might have occurred under the original Act will not occur. That, I believe, will improve the measure. I think that the lengthy negotiations and the discussions in connection with this matter will improve the legislation when it is placed on the Statute Book.

Motion carried.

MOTOR BODY REPAIRS INDUSTRY BILL

Adjourned debate on second reading.
(Continued from 28 February. Page 3087.)

The Hon. K. T. GRIFFIN: I support the call made by the Hon. Mr. DeGaris for a Select Committee on this Bill. The Bill has raised some controversy among varying groups directly concerned in the industries covered by the Bill, namely, the crash repair industry, tow-truck operators, and private loss assessors. Up to yesterday, from about 500 crash repair shops, the Opposition had received about 200 letters, telephone calls, and telegrams from owners who opposed all or parts of the Bill. Many tow-truck operators, probably about 40 per cent of those operating in the metropolitan area, are either totally opposed to the Bill or to parts of it. Many of the 150 private loss assessors are also opposed to all or parts of the Bill. Several persons have made statements about the Bill, some misguided and some accurate, but that suggests to me that, in the context of the debate this week, there is sufficient uncertainty about the implications of the Bill and concern about the effects it will have on the respective industries to warrant the Bill being referred to a Select Committee, to which all parties will have an opportunity to present their point of view and there will be an opportunity for objective assessment of the scheme suggested by the Bill.

Yesterday, a release was issued by the Royal Automobile Association, which represents a considerable body of the motoring public and which itself is involved in one way or another with the repair industry and the towing industry. The release states:

> "Thorough examination of the proposed legislation for control of motor body repairers, tow-truck operators and motor vehicle loss assessors by a Select Committee was most desirable", RAA General Manager, Mr. R. H. Waters, said today. He was commenting on a statement by the Leader of the Opposition in the Legislative Council (Hon. R. C. DeGaris) that he intended to move for the appointment of a Select Committee to examine the Bill.
>
> Mr. Waters said that the proposed legislation contained a number of controversial measures, and a public hearing would enable all those likely to be affected by the proposals to put their views, particularly country crash repairers who it appeared could be severely disadvantaged by the legislation. The breathing space afforded through the appointment of a Select Committee would also provide those in the industry with further opportunity to put their house in order and so avoid the cumbersome controls which would inevitably result in increased motoring costs", he added.

The scheme of the Bill is twofold; first, it establishes a licensing system and, secondly, it establishes what could broadly be described as a code of conduct, which provides for statutory conditions and statutory warranties to be implied in dealings between members of the public and the respective persons referred to in the Bill.

My first concern relates to clauses 15, 40, 71, 87, and 113. These clauses give to the board, which will be established under the Bill, wide powers of regulating the industry. They provide for the board to make rules, with the consent of the Minister. True, these rules will be tabled in the Council, but it seems curious to me that the board should make the rules that will govern the industry.

This is unique, as far as I can ascertain, in licensing legislation that has been enacted in this State in recent years. There is no similar power in the board that administers the Land and Business Agents Act or in the board that administers the Builders Licensing Act. No other board exercises a similar sort of power.

I draw attention also to clause 24, which deals with motor body repairers' licences. If one compares that with clause 76, dealing with motor vehicle loss assessors, one sees a distinction the purpose of which I cannot discern. I wonder why the requirement in clause 76 (2) to establish a standard of education and skill applies to applicants for motor vehicle loss assessors licences, and why there is not a similar requirement in clause 24 for motor body repairers. Clause 36 is a complex provision which details the requirements that must be followed in connection with contracts between a motor body repairer and a person seeking to have his car repaired. The requirements with which the motor body repairer must comply relate to the contract, the form of the contract, the way in which it will be signed, and the number of copies. People could be confused when they are confronted with these forms, which have to be signed in a particular way and have to be prepared in triplicate.

Clause 40 provides power for the board to make rules with respect to workshops and with respect to the employment of apprentices in a specified trade. The Labour and Industry Department already has sufficient powers to deal with the standard of workshops, and it already has responsibility for administering the law with respect to the conditions under which apprentices work. Clause 59 provides that a request must be made before a tow-truck driver can tow away a vehicle. How is that request to be established, in view of the suspicion with which operators in this field are viewed? That matter needs attention, and a Select Committee appears to be the appropriate body to consider such details.

Clause 95 (2) provides for an appeal tribunal. I wonder why a judge of the Industrial Court is to be the judge constituting the appeal tribunal. This Bill does not deal only with industrial matters: it deals with a wide range of matters affecting the community as well as the specific industry referred to in the Bill. Other complex matters dealt with in the Bill need careful consideration. Evidence needs to be taken from all those interested in the industry. That is why I believe that a Select Committee is a most appropriate body to cope with such complex legislation so late in the session. I support the second reading of the Bill.

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

the setting up of a Select Committee. This problem stems back to 1976, when the Minister of Transport set up a working party to investigate problems associated with tow-truck operators and crash repair firms in South Australia. In 1978, that working party reported to the Minister, who then set up a steering committee, which covered all aspects of the industry and provided the Government with a report, which resulted in this Bill.

What benefit is to be gained from having a Select Committee of this Council when all that work has been done? Suddenly, some members of this Council want a Select Committee when all aspects of the industry have already been throughly investigated. So it is ridiculous at this stage to force the issue of setting up a Select Committee. What extra evidence will a Select Committee get from the industry which has not already been gathered by the working party and the steering committee?

The Hon. R. C. DeGaris: Why did the R.A.A. ask for a Select Committee?

The Hon. T. M. CASEY: The R.A.A. was represented on the steering committee. In my capacity as a member of the R.A.A., have I been consulted as to whether a Select Committee should be set up? Did the R.A.A.'s request for a Select Committee come from the executive of the R.A.A. or from the General Manager?

Is the letter signed on behalf of the General Manager or on behalf of the executive board of the R.A.A.? The Leader cannot answer that. He said that he had a letter from the R.A.A.

The Hon. R. C. DeGaris: I didn't say that.

The Hon. T. M. CASEY: Yes, you did. You said you had a letter from the R.A.A. signed by the General Manager. I asked you whether it was signed on behalf of the executive and you said that you did not know.

The Hon. M . B. Cameron: He didn't mention a letter. Look at *Hansard* in the morning.

The Hon. T. M. CASEY: Come on!

The Hon. R. C. DeGaris: The R.A.A. made a statement which was published in the press, and which supported a Select Committee.

The Hon. T. M. CASEY: Was it from the executive or the General Manager?

The Hon. R. C. DeGaris: From the R.A.A.

The Hon. T. M. CASEY: It could have been the General Manager. Do you know who it was from?

The Hon. R. C. DeGaris: From the R.A.A.

The Hon. T. M. CASEY: I cannot agree with the Opposition. This matter has been canvassed by a working party and a steering committee over the past three years. Suddenly, this Chamber, which is divided, sets itself up as an expert in solving all the problems, in about three months. I oppose the appointment of a Select Committee.

Bill read a second time.

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

That the Bill be referred to a Select Committee.

The Council divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (8)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. M. B. Cameron and J. A Carnie. Noes—The Hons. J. E. Dunford and N. K. Foster.

The PRESIDENT: There are 8 Ayes and 8 Noes. I am placed in an awkward situation. In my opinion the business of tow-trucking is not likely to deteriorate in the next three months. I give my casting vote to the Ayes.

Motion carried.

There being a disturbance in the Gallery:

The PRESIDENT: I warn the honourable Minister in the gallery that audible conversation from there is not permitted

Bill referred to a Select Committee consisting of the Hons. J. C. Burdett, M. B. Cameron, T. M. Casey, J. E. Dunford, C. M. Hill and Anne Levy; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to sit during the recess and to report on the first day of the next session; the quorum of members necessary to be present to be four; and the Chairman to have a deliberative vote only.

Later:

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

That the Hon. Anne Levy be discharged from attending the Select Committee on the Bill and that the Hon. N. K. Foster be substituted in her place.

Motion carried.

ALSATIAN DOGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 February. Page 3092.)

The Hon. R. A. GEDDES: The Alsatian Dogs Act makes certain alterations for local government areas. At the moment, for a local government area to be declared so as to allow Alsatian dogs to be kept within that local government area, it must be the total area of the local government district. In recent years, at Whyalla, quite a large area of pastoral land has been taken over by the city of Whyalla for future expansion of that city, and the principal Act would not allow or approve of the fact that Alsatian dogs could be kept in Whyalla city. The whole of that pastoral land would have to be proclaimed as being suitable for those dogs. This is not acceptable, so the amendment is that a part of a local government area may be declared suitable for dogs. It is interesting to note that the fine for any person keeping an Alsatian dog in an area where no proclamation has been made has been increased from $20 to $200.

The other important matter is a new provision which deals with the situation of tourists and other people moving on roads throughout the State and wishing to have their dogs with them in their cars. At present there is no provision for that dog if the owners move out of the proclaimed areas. I imagine that some difficulties have arisen which have caused the Government to make a change, whereby a person in these circumstances may apply to the Minister or his agent for a permit, which may be granted under conditions laid down by the Minister for the control of that dog. When a permit is granted it is possible for the owners of the Alsatian dog to move on roads throughout the State even outside proclaimed areas.

From investigations I have made of the Stockowners Association and other interested people, I find that there are no complaints. Many people are naturally concerned about the fact that Alsatian dogs will be able to move through the pastoral country of the State, provided they have a permit. The restrictions on that permit clearly state that the dog must be tied up at night, put on a leash as often as possible, and kept in the car or caravan or whatever. The Alsatian dog has had a reputation for many years, and pastoralists fear that dogs of this character may mate with wild dogs of the pastoral country. I support the second reading.

The Hon. J. A. CARNIE: I support this Bill, which deals with that very maligned animal, the German Shepherd or Alsatian dog. The Hon. Mr. Geddes outlined what this Bill does. It makes amendments to the Alsatian Dogs Act to provide for the fact that a large area of pastoral land has been annexed to the City of Whyalla. Because it is pastoral land it is appropriate that the Act should continue to apply to that land. The second reading explanation said that it was not appropriate that the Act should apply to the City of Whyalla.

The part of the Bill which causes most concern is that owners of Alsatian dogs may apply for a permit to take their pets if they are travelling through to, say, Alice Springs or Western Australia. They may take the dogs with them, provided they are under their control. When speaking to a Bill concerning dogs last week, I said I thought it was wrong that there should be an Act of Parliament that implies that Alsatians are markedly different from other dogs. Alsatian dogs are not the only dogs that have been known to kill sheep.

I have a letter from a station property in South Australia stating that the two most dangerous dogs are the bull terrier and the Alsatian. If that is so, why is there not an Act of Parliament setting apart the bull terrier? The fact that, by applying for a permit, people will now be able to take their dogs with them on holidays or when travelling from one State to another is a move in the right direction, and I support the second reading.

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

ABORIGINAL HERITAGE BILL

(Second reading debate adjourned on 22 February. Page 2883.)

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Constitution of the Committee."

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

Page 4, line 13—Leave out "at least three must be Aboriginals" and insert—

—

(a) at least three must be Aboriginals;

(b) one must be a nominee of the Board of the South Australian Museum; and

(c) one must be a nominee of the Pastoral Board.

The Bill as introduced did not specify who was to be on the board. The Government accepted an amendment in the House of Assembly, I think moved by Mr. Allison, that the board should include at least three Aboriginal people. In the original Bill introduced by the Hon. Harry Kemp, certain people were specified to go on the board. While some of those I do not believe now have a right to be on the board, I feel that two in particular should be included; they are a nominee of the South Australian Museum, which plays a big role in the preservation of relics, and one from the Pastoral Board, which administers most of the North of South Australia.

The Committee divided on the amendment:

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

Noes (8)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, Anne Levy, and C. J. Sumner.

Pairs—Ayes—The Hons. K. T. Griffin and D. H. Laidlaw. Noes—The Hons. J. E. Dunford and N K. Foster.

The PRESIDENT: There are 8 Ayes and 8 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 12 to 16 passed.

New clause 16a—"Annual report."

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

Page 5, after clause 16—Insert new clause as follows:

16a. (1) The committee shall, as soon as practicable after the thirtieth day of June in each year, present a report to the Minister upon the administration of this Act during the period of twelve months ending on that day.

(2) The Minister shall, as soon as practicable after his receipt of a report under subsection (1) of this section cause copies of the report to be laid before both Houses of Parliament.

The Hon. R. A. GEDDES: The Opposition is prepared to accept the new clause.

New clause inserted.

Clause 17—"Inspectors."

The Hon. T. M. CASEY: I move:

Page 5, line 40—Leave out "persons who are" and insert "or other suitable persons".

The Hon. R. A. GEDDES: In the second reading debate I referred to the fact that there should be provision for appointing wardens to help look after this heritage. It was the Government's original intention that all inspectors should be Aborigines. I feel that there are people who are capable and who have taken great interest in Aboriginal culture over a great many years, and the Minister should have the right to appoint such people. The amendment drawn up in my name was not considered suitable by the Government, so it drew up the amendment now before us. It says the same thing in different words. It means that people other than Aborigines may be appointed inspectors or wardens at the Minister's discretion. I support the amendment.

Amendment carried; clause as amended passed.

Clauses 18 and 19 passed.

Clause 20—"Protected areas."

The Hon. K. T. GRIFFIN: I move:

Page 7, lines 7 to 13—Leave out subclause (2) and insert subclause as follows:

(2) A declaration shall not be made under this section in respect of private lands unless the Minister has, at least three months before the date of the declaration, given notice in writing personally or by post to the owner and occupier of the lands.

The amendment provides for an owner or occupier of lands that are the subject of a declaration to be given adequate notice of a proposed declaration and to lodge objections. Previously, there was provision for the Minister to inform the owner and occupier of the proposed declarations, but there was no provision for the person so informed to make any representations or lodge any objections with the Minister or for him to take into account any such objections. It is important to give the owner or occupier the opportunity to make representations and to require the Minister to consider them.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 7—Insert the following subclauses:

(2a) A notice under subsection (2) of this section shall contain a statement to the effect that written objections to the proposed declaration may be

made to the Minister by sending those objections to him at an address specified in the notice.

(2b) The Minister shall give due consideration to any objections made to the proposed declaration of a protected area.

These provisions are consequential and provide respectively for the written objections to be made and for the Minister to consider them.

Amendment carried; clause as amended passed.

Clauses 21 and 23 passed.

Clause 24—"Land not to be excavated without permit."

The Hon. K. T. GRIFFIN: I move:

Page 8—

Line 13—Leave out "A" and insert "Subject to subsection (4a) of this section, the".

Line 13—After "Aboriginal heritage" insert "not being a part of, or fixture to, land".

I seek to provide an opportunity for a person with an item of Aboriginal heritage to sell it if the Minister refuses to buy it at a reasonable price.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 8, after line 15—Insert subclause as follows:

(4a) Where the owner of an item of the Aboriginal heritage offers to sell the item to the Minister for a reasonable price and the Minister declines the offer, the owner may sell the item to any other person without obtaining the consent of the Minister.

As subclause (4) provides for sale of an item to the Minister or otherwise with his consent, there are likely to be considerable disadvantages to the owner if the Minister does not accept an offer to purchase at a reasonable price. The owner would be left holding an item, with no-one to whom it could be disposed.

The Hon. T. M. CASEY: I cannot accept the amendment. It puts the Minister in an invidious position. Anyone could approach him with an artefact or Aboriginal site. The Minister might not want to purchase it, but it could become a collector's item in that area. The Minister should not be bound to purchase everything that is put before him. We do not want the sale of Aboriginal artefacts bandied about the State. They should be kept in trust by people who collect them for posterity. If we accept the amendment we will commercialise the business, thereby defeating the purpose of the heritage legislation. I oppose the amendment.

The Hon. R. C. DeGARIS: In the 1963 Act originating in this Chamber and agreed to in another place there was a prohibition on the sale of any Aboriginal artefact. There could be valuable artefacts that the Minister could not afford to buy.

This amendment will allow those artefacts to be sold overseas, and that is something we should not allow, because a very high price could be demanded and received.

The Hon. K. T. GRIFFIN: I appreciate the difficulty which confronts the Minister. Notwithstanding that, I want to proceed with the amendment because I still feel that a person who holds such items is in a most difficult position if the Minister is not prepared to either purchase or give his written consent to sale.

Amendment negatived; clause passed.

Clause 25—"Excavation and removal of items of the Aboriginal heritage."

The Hon. T. M. CASEY: I move:

Page 8, line 22—Leave out "enter land" and insert ", after giving reasonable notice to the occupier of land of his intention to do so, enter the land".

The Hon. K. T. GRIFFIN: I take it that if this amendment is carried my amendments would then follow. I support the amendment.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 8—After line 24 insert subclauses as follow:

(3) An authorized person shall not enter land in pursuance of subsection (2) of this section unless before the date of entry he has given reasonable notice in writing to the occupier of the land identifying the land to be affected by the proposed excavation.

(4) The Minister shall make good any damage done to land by an authorized person acting in pursuance of this section.

This amendment provides that reasonable notice must be given by an authorised person who desires to enter land pursuant to this clause. In the notice the land which is to be affected by the proposed excavation is to be identified. Subclause (4) contains a provision similar to the one in the present Act, namely, that if any damage is done to land by an authorised person the Minister is to make good that damage.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 26—"Penalty for damaging or destroying registered item."

The Hon. T. M. CASEY: I move:

Page 8—After line 26 insert subclause as follows:

(2) It shall be a defence to a charge for an offence against subsection (1) of this section for the defendant to prove that the Act alleged against him was neither intentional nor negligent.

The Hon. R. A. GEDDES: The Government would not accept my amendment to insert "intentionally" but now seeks to insert what to me seems to be gobbledegook. However, I support the amendment.

Amendment carried; clause as amended passed.

Clauses 27 to 29 passed.

Clause 30—"Forfeiture and seizure of items related to the Aboriginal heritage."

The Hon. R. A. GEDDES: I move:

Page 9—After line 23 insert subclause as follows:

(3) Where an inspector seizes an item in pursuance of subsection (2) of this section, he shall forthwith make a report upon the matter to the Minister.

This amendment deals with a situation where an inspector has reasonable cause to suspect an offence is about to be committed in relation to an item of Aboriginal heritage. He may seize and retain that item for a period not exceeding four months. In that situation nobody would know anything about it except the inspector. This situation could possibly create a tribal disturbance, because as the Bill stands the inspectors are Aborigines. There is a need to provide some clarification on the disposal of the item held by the inspector and to provide that he must report to the Minister.

The Hon. T. M. CASEY: It would be normal practice for the inspector to report such matters. If the item was to be forfeited or returned in due course to the owner, then the Minister would be involved. This is an administrative matter, and the Government sees no need for basic administrative procedures to be specified in legislation. However, if the Opposition considers the provision necessary (the honourable member talks about gobbledegook), I have no objection.

Amendment carried; clause as amended passed.

New clause 30a—"This Act not to prevent collection of relics from certain land".

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

Page 9—After clause 30 insert new clause as follows:

30a. Nothing in this Act prevents a person from collecting items from land, not being a registered Aboriginal site or a protected area.

Provision should be made for the informed and enthusiastic amateur who takes an interest in these items .

The Hon. T. M. CASEY: The amendment is not accepted. The whole thrust of this legislation is to protect Aboriginal heritage items both within and outside protected areas. Obviously, all items of the Aboriginal heritage will not be contained within declared protected areas. To allow the collection of Aboriginal heritage items outside registered sites or protected areas would defeat the purpose of the Bill.

New clause inserted.

Clause 31—"Regulations."

The Hon. R. A. GEDDES: I move:

Page 10—After line 12 insert subclause as follows:

(3) No regulation shall be made preventing watering of stock upon an Aboriginal site or protected area where there is no other reasonably accessible source of water in the near vicinity of the Aboriginal site or protected area.

A waterhole may have been an Aboriginal site for many years and, if stock were denied water there, hardship could be caused.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill recommitted.

Clause 24—"Land not to be excavated without permit"—reconsidered.

The Hon. K. T. GRIFFIN: I move:

Page 8, line 13—Leave out "subject to subsection (4a) of this section, the" and insert "A".

Without this amendment, the provision does not make sense.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 3, 5 to 9, and 11, had disagreed to amendments Nos. 4 and 10, and had made alternative amendments thereto.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 4 and 10 and that it agree to the alternative amendments made thereto by the House of Assembly.

After much discussion on the amendments, a compromise satisfactory to all parties has been reached.

The Hon. K. T. GRIFFIN: Amendment No. 4 is a variation from what was passed by this Council, varied to the extent that the time within which objections may be lodged with the Minister in response to a notice that he proposes to declare a site a protected site has been reduced from three months to six weeks.

There has been a change in the scheme of the House of Assembly amendment whereby there is to be interim protection of a site if, in the event of the Minister believing that there is urgent need for a declaration, he makes that declaration. There is still adequate protection for the owner or occupier of land under the scheme proposed, and I support the motion.

The Hon. R. C. DeGARIS: The alternative amendment concerns an amendment that I had moved, and it is quite satisfactory. My amendment allowed the collection of Aboriginal artifacts anywhere in South Australia. That has now been changed to areas included in hundreds, so on land out of hundreds those items cannot be collected. I believe that out of hundreds there are areas sacred to the Aboriginal people, and I am prepared to accept the alternative amendment.

Motion carried.

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION BILL

Adjourned debate on second reading.

(Continued from 27 February. Page 2984.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. It was doubtful for some days whether we could deal with the Bill in this session. To introduce a measure of this kind, which is a totally new concept in South Australia, as late as this Bill has been introduced does not seem fair to me. Particularly when we have had legislation before the Council and several late conferences, it is almost impossible to do homework on the measures correctly.

The Bill fulfils the commitment by the Government in 1973 to legislate for the establishment of a Waste Management Commission to make sufficient and safe arrangements and promote management policy. I agree with the Hon. Mr. Laidlaw that, after six years, to expect the Council to deal with a Bill of such magnitude in a short time is hardly fair.

The report of the Waste Disposal Committee of December 1977 dealt with recommendations to the Government. I point out to the Minister of Lands that, while the report was made, the Bill does not follow its recommendations. We heard the Minister say that the Council should follow any legislation the Government brings down following a working party report, so one must ask why, when a working party report such as this is brought down, the Government does not follow it, because there are significant differences between the recommendations in the report and what is in the Bill. Nevertheless, I support the general principles of the Bill.

All other States have examined this matter and have presented recommendations. Some have established waste management commissions. New South Wales has been operating a commission since 1970. I do not know whether the Victorian Act is in force, but legislation is being passed there, and Western Australia is making moves along these lines. The first recommendation in the report states:

Viewed together, the recommendations of the Waste Disposal Committee aim to provide the guidance and leadership necessary for the improvement of waste management services throughout South Australia. Waste management practices lag behind operational standards which should be required today. As well, these practices are not keeping up with community attitudes towards environmental protection and improvement and resource conservation or to community expectations relating to health, wellbeing and the quality of life. Many of today's deficiencies can be overcome, but without co-ordinated planning, waste management will never rise above combating problems which should have been foreseen and prevented or at least their effects minimised by the development of appropriate waste management policies and practices.

New South Wales established waste disposal legislation in 1970, and I understand that the proposals in this Bill closely follow those applying in Sydney. In Western Australia, the Refuse Disposal Planning Committee adopted the report of the technical subcommittee recommending, among other things, the formation of a statutory waste authority. I am not sure of the position in Victoria, but in 1971 the State Development Committee released a progress report on a similar scheme. I could

comment on the report and recommendations, but we are following the trends in other cities, and I see no reason to criticise the concept.

I should like to know the full role of the commission. Is it anticipated that the commission will be running dumps, or will there be co-operation with those people who are already operating disposal sites? What will be the position in what one might term transfer sites, where there is a depot for rubbish collection, which is to be moved to a final site? As I understand the Bill, there could be in this matter more than one levy charged. I believe that the levy should be on the final disposal, and not on any intermediate steps towards that final disposal.

It may be necessary to consider the question of special refuse areas for particular types of rubbish to be disposed of. In Sydney, special sites have been developed for the disposal of various liquids and asbestos, and I think local councils are responsible for the disposal of waste material. I would like the Minister, in reply, to answer those questions.

I would not like to see the commission take over completely and own the necessary depots and sites. Local government already plays quite a significant role in many areas. In some areas, some councils have combined together in a region to establish quite advanced rubbish handling sites. I would not like the commission to take over all that has been done by local government at present.

There are amendments on file in the name of the Minister, on which I have worked with him, and there are drafting amendments to be moved by other members that I hope the Minister will accept. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 8 passed.

Clause 9—"Membership of the commission."

The Hon. K. T. GRIFFIN: I move:

Page 4—

After line 22—Insert paragraph as follows:

(ab) one shall be an officer of a council selected by the Minister from a panel of three such officers nominated by the Local Government Association of South Australia;

Line 23—Leave out "one shall be a person" and insert "two shall be persons".

Line 24—After "management" insert "of whom one shall be".

Line 31—leave out "four" and insert "two".

Local government will have greater representation on the commission but, notwithstanding that, the Minister will be able to have the flexibility to employ the expertise he seeks in establishing the membership of the commission.

The Hon. T. M. CASEY (Minister of Lands): I accept the amendments.

Amendments carried; clause as amended passed.

Clause 10—"Terms and conditions of office."

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

Page 5, lines 1 and 2—Leave out "such term of office (not exceeding three years)" and insert "a term of three years".

This is yet another case where the Government has sought to appoint members to a body for a term not exceeding three years. I think that a fixed term of three years should apply. The Minister of Transport wanted the terms of office to be staggered so that they would not all expire at the same time. My amendment therefore provides that the first appointment shall be for a term not exceeding three years and, thereafter, for a term of three years. They will not, therefore, all expire at the same time.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 11 to 22 passed.

Clause 23—"Control of Depots."

The Hon. K. T. GRIFFIN: I move:

Page 9, lines 11 and 12 —Leave out paragraph *(c)* and insert paragraph as follows:

(c) regulating the type of waste that is to be accepted at the depot, and the quantities in which waste is to be so accepted;

Paragraph *(c)* as drafted can include such matters as hours of opening, what price shall be paid, and other related matters. That is too wide and, after discussion, it has been agreed that the provision shall be limited so that the commission may regulate the type of waste to be accepted at a depot and the quantities in which it is to be accepted.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 24—"Collection and transportation of wastes."

The Hon. K. T. GRIFFIN: I move:

Page 9—After line 35—Insert "and".

Line 39—Leave out "and".

Page 10, lines 1 and 2—Leave out paragraph *(c)*.

It seems to me that the last paragraph of this clause is unnecessary. It is very wide if interpreted strictly, and does not limit the sorts of conditions to be imposed in the collection and transportation of waste. The amendment does not detract from the necessary powers of the commission.

The Hon. T. M. CASEY: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 25—"Production of waste in certain circumstances."

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

Page 10—

Lines 12 to 14—Leave out all words in these lines.

Line 15—After "waste" insert "of a prescribed kind".

Line 17—After "treat" insert "and dispose of".

Lines 19 and 20—Leave out all words in these lines.

This clause deals with the circumstances in which a person who produces waste must be licensed. The amendments delete reference to the number of employees who are employed on premises, as that seems to me to have no necessary relevance to the production of wastes. Secondly, the amendments tighten and define more accurately the circumstances in which a person is required to be licensed.

The Hon. T. M. CASEY: I accept the amendments.

Amendments carried; clause as amended passed.

Clause 26—"Procedure upon application, etc."

The Hon. K. T. GRIFFIN: I move:

Page 10, lines 36 to 40—Leave out subclause (3) and insert subclause as follows:

(3) Where, after consideration of the application, the Commission is satisfied that—

(a) the grant of the licence would not prejudice proper waste management in the State;

and

(b) the exercise of rights conferred by the licence would not, in the circumstances of the case, be likely to result in—

(i) a nuisance or offensive condition;

(ii) conditions injurious to health or safety;

or

(iii) damage to the environment,

the Commission shall grant a licence to the applicant.

My amendment is designed to make more specific the reference in subclause (3) to matters "contrary to the public interest". The words "and would not otherwise be contrary to the public interest" are particularly wide and could go beyond the sorts of matters that ought properly to

be considered under the Bill in relation to the granting or not granting of a licence.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 27 to 32 passed.

Clause 33—"Establishment of depots by the Commission."

The Hon. T. M. CASEY: I do not intend to move the amendments that I have on file.

The Hon. K. T. GRIFFIN: I move:

Page 12, lines 8 to 15—Leave out subclause (2) and insert subclause as follows:

(2) Where the Commission proposes to establish a depot in pursuance of this section, the Commission shall, by notice in the *Gazette* and in two newspapers circulating generally throughout the State, give notice of the proposal and invite representations from any interested person to be made on or before a date fixed in the notice, being a date not less than one month after the date of the notice.

(2a) A depot shall not be established under this section unless the Minister, after consideration of any representations made in pursuance of the invitation referred to in subsection (2) of this section, certifies that, in his opinion—

(a) existing facilities in the area in which the depot is to be established are inadequate for the purpose of proper waste management; and

(b) the establishment of the depot is required in the public interest.

My amendment seeks to provide that reasonable notice will be given to the community that the Commission intends to establish a depot, by one month's notice in the *Gazette* and in two newspapers, and provides for representations to be made by interested or affected persons. The Minister shall consider them before a depot is established.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 34 and 35 passed.

Clause 36—"Contributions to the commission."

The Hon. T. M. CASEY: I move:

Page 13—After line 4 insert subclause as follows:

(1a) A contribution is not payable under this section in respect of waste received at a depot for the purpose of being transported to some further depot for disposal.

Amendment carried; clause as amended passed.

Clauses 37 to 40 passed.

Clause 41—"Rights of appeal."

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

Page 14—

Lines 13 and 14—Leave out "and that decision shall be final".

After line 14—Insert subsections as follow:

(6) An appeal from a decision of the Minister under subsection (5) of this section shall lie to a local court of full jurisdiction and, upon such an appeal, the court may confirm, modify or reverse the division of the Minister.

(7) The decision of a local court of full jurisdiction upon an appeal under this section shall be final and without appeal.

In the printing, after the words "judicial office" in new subclause (4), the words "under the Local and District Criminal Courts Act, 1926-1978" should be inserted. My amendment seeks to make the arbitrator a person who holds judicial office, that is to say, a judge, and for him to give the decision to the arbitrator.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 42—"Inquiries."

The Hon. K. T. GRIFFIN: I move:

Page 14, line 30—After "would" insert "tend to".

The omission of the words "tend to" is likely to limit substantially the rights available to a person required to disclose information.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 43 to 48 passed.

Clause 49—"Regulations."

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

Page 15, lines 36 and 37—Leave out "paragraph *(a)*".

This clause empowers the Governor to make regulations to regulate the production of waste, and any aspects of waste management. It seems to me that that is what the whole Bill is about. Therefore, what is to be legislated for in that area should be in the Bill, and not done by way of regulation.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried.

The Hon. T. M. CASEY: I move:

Page 16, line 1—After "measurement" insert "determination, estimation or assessment".

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3169.)

The Hon. C. M. HILL: This Bill was introduced into this Council at 11.50 p.m., and it is now 2.45 a.m. I have had great difficulty in getting a copy of the Bill. This is an inevitable problem when attempts are made by the Government to rush legislation through Parliament in the last week of a session. I said earlier that I was doubtful about clause 5, but it had been amended in the House of Assembly without my knowledge; that is an example of the problems we encounter when Bills are rushed through, and we do not have copies readily available to study. I have examined the way in which clause 5 has been amended, and I am satisfied to support the clause. The amendment deleted "a controlled access road" and inserted "the road known as the South-Eastern Freeway". In effect, the Bill gives the Commissioner of Highways power to remove vehicles that are causing obstructions on the South-Eastern Freeway. The Commissioner is given the same powers as local government has in this respect.

I said earlier that I wanted more time to consider clause 6, which I now support. It deals with a proclamation made by the Commissioner of Highways in regard to road closing. I have asked the Minister, in his reply to the second reading debate, to deal with the new provision giving the Commissioner power to delegate his powers and functions to any officer in his department. I do not object to that, but I raised a query earlier in regard to new section 12a (3), which provides:

Where at any time before the commencement of the Highways Act Amendment Act, 1979, the Commissioner conferred, or purported to confer, upon any other person an

authority to act on the Commissioner's behalf, that authority shall be deemed to have been lawfully conferred.

That is retrospective legislation. I asked the Minister to ascertain whether there has been any matter which the Commissioner has conferred by delegation, which has not been disclosed by the Government, and which would be made lawful if this Bill was passed in its present form. If there was some matter that the Commissioner had delegated to his officers and if the Government wanted to make good that action of the Commissioner and was not telling Parliament about the matter, this Council should not accept that, unless the Minister's explanation is satisfactory. In his second reading explanation the Minister said:

> Clause 2 enacts a new section numbered 12a which enables the Commissioner to delegate his powers and functions to any officer of the Highways Department. This provision validates delegations which the Commissioner may have made prior to these amendments coming into effect.

It is possible for some Ministers to hold back legislation until the closing hours of a session in the hope that the legislation will be passed without much query. I am not criticising the Commissioner in any way. Any criticism that I make in regard to this clause is directed at the Minister. Subject to my receiving a satisfactory explanation from the Minister in regard to clause 2, I support the Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I have not been able to obtain the information for the honourable member. I can assure him that the Minister of Transport would provide him with that information, but at this hour I cannot get the details of any delegations that may have taken place in the past.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Delegation of powers, etc., by Commissioner."

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

> Page 1, lines 19 to 23—Leave out subsection (3).

It is essential that this place be given a full explanation by the Minister on whether any delegations have been made by the Commissioner which the Minister is endeavouring to validate by new section 12a (3). The amendment does not prevent the Commissioner from delegating powers from now on; the only obstruction relates to delegations which may have been made in the past and which, if they were made, have not been explained to Parliament.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The honourable member's fears are unwarranted in this case because, while I admit that the clause validates retrospective delegations, they are only delegations, and they still have to be within the Commissioner's powers.

The Hon. R. C. DeGaris: What are we validating?

The Hon. B. A. CHATTERTON: We are validating delegations that the Commissioner may have made. We are not validating any acts or decisions that would not otherwise be legal.

It is not as if the Government is trying to validate something. It is a question regarding the Commissioner and as I understand it—

The Hon. R. C. DeGaris: How do we know what it means? All we know is that you are validating what has happened in the past. What is being validated?

The Hon. B. A. CHATTERTON: The actual details cannot be provided at this stage.

The Hon. C. M. HILL: I appreciate the situation in which the Minister finds himself. He is acting for the responsible Minister in another place. Because I was forced to go to the House of Assembly to collect my Bill, I became aware of what took place there regarding this matter. The member for Alexandra told me that he sought more information about this matter but was unable to probe the situation to his satisfaction. It is essential for this Chamber to support the deletion of part of the clause. I point out that any delegation of powers from this point on will not be stopped. The Minister said, "This provision validates delegations which the Commissioner may have made prior to these amendments coming into effect."

Even that statement makes me ask whether any delegations were affected. It is not an unreasonable thing to ask, and Parliament should know that before it rights a mistake that perhaps was made but has not been disclosed.

The Hon. R. C. DeGaris: It may not be a mistake.

The Hon. C. M. HILL: It may not. I have already said that I have the highest respect for the Commissioner in every way, but we must have frankness on these matters. When queries are made by the Opposition, they must be answered adequately. I appreciate the position in which the Hon. Mr. Chatterton finds himself, because the answer is not at his disposal. However, that does not prevent the Chamber from omitting part of the clause at this stage.

The Hon. R. C. DeGaris: Would the Minister like to report progress to obtain the information?

The Hon. B. A. CHATTERTON: No information is available at this stage.

Amendment carried; clause as amended passed.

Remaining clauses (6 to 8) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

> That the Council no longer insist on its amendment.

The particular amendment was the one dealing with the delegation of authority, and I assure honourable members that there is no ulterior motive involved in the delegation of authority on a retrospective basis. This provision is brought forward because of an opinion expressed by the Crown Solicitor that there is some doubt whether the Commissioner has the ability, within the Highways Act, to delegate to his senior officers, his Assistant Commissioners. Those Assistant Commissioners were there before this Government came to power.

The Assistant Commissioner have been carrying out there duties assigned by the Commissioner, but the Crown Solicitor has raised a doubt as to whether there is a legal competence for that to be done. The provision is simply to make sure that there is no question on that score.

The Hon. C. M. HILL: I support the motion. Members on this side were justified in seeking this explanation. Why the Minister did not give it about three hours ago, I do not know. I accept his statement that there is no ulterior motive whatever in seeking retrospectivity regarding the delegation of power by the Commissioner.

Motion carried.

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

(Second reading debate adjourned on 21 February. Page 2820.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"State Badge and other emblems of the

State."

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

Page 1, line 18—Leave out "or" and insert "and".

The reason for this amendment is to ensure that the manufacturer of souvenirs and things of that nature will not be affected by the legislation. It also ensures that the Minister will be able to give permission to a firm wanting to use the piping shrike as an emblem on its letterhead to do so. As the clause is drafted, the printers and manufacturers of souvenirs can be caught, and this causes me some concern.

The Hon B. A. CHATTERTON (Minister of Agriculture): I accept the amendment.

The Hon. J. C. BURDETT: I support the amendment. I supported the second reading, because I believe the Government should have some control over the State emblem in some circumstances. I support the amendment, because I think the only such circumstances should be where the document, material, etc., is used in such a manner as to suggest that the document, material or object has official significance. In other words, I think that this matter should be under the control of the Government and the Minister only where the use of the object would tend to mislead or suggest that there was some official significance when, in fact, there was not.

I think most members of the Council have received letters from manufacturers of souvenirs, and I can see no harm whatsoever in the production of souvenirs bearing the State emblem or the words "South Australia", because that does not suggest any official significance at all. However, there should be some control where the use of a document, object, etc., could suggest that the person was connected with the Government or held some office which he in fact did not hold. I support the amendment.

The Hon. R. C. DeGARIS: I called against the second reading, and even though the Bill is amended I am still opposed to it as a whole, as it is not necessary. I believe the State emblem belongs to the State and all the people in it, and not to the Government. Whilst I am prepared to amend the Bill, I am opposed to it as a whole.

Amendment carried.

The Hon. K. T. GRIFFIN: I move:

Page 2—After line 14 insert subsection as follows:

(4) This section shall not prevent or derogate from the continued use of the Royal Arms in accordance with any law or any established custom or usage.

I indicated in my second reading speech that there was some concern that if the State badge was adopted in accordance with the Act it might be used as the basis for phasing out the use of the Royal Arms in many of those cases where it is presently used and has been used for many years. The amendment will ensure that the Royal Arms may continue to be used.

The Hon. B. A. CHATTERTON: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 3 and title passed.

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

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, J. C. Burdett, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, C. M. Hill, Anne Levy, and C. J. Sumner.

Noes (6)—The Hons. Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, K. T. Griffin, and D. H. Laidlaw.

Pairs—Ayes—The Hons. J. E. Dunford and N. K. Foster. Noes—The Hons. M. B. Cameron and J. A. Carnie.

Majority of 4 for the Ayes.

Third reading thus carried.

Bill passed.

Later:

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2), 1979

(Second reading debate adjourned on 28 February. Page 3077.)

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Evidentiary provisions."

The Hon. K. T. GRIFFIN: I do not wish to proceed with the amendment I have on file.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—"Certain prosecutions must be commenced within one year."

The Hon. C. M. HILL: I indicated at the second reading stage that I would oppose this clause because I object to the period being extended from six months to one year for the initiation of proceedings for parking offences. I was prompted to do this because of representations made to me, particularly by the R.A.A., whose opinion I respect in these matters. I have received further representations and given the matter further consideration. It seems that the Adelaide City Council has some difficulty in this area because, despite its efforts to expedite its work as much as it can, it is reaching the stage where it may take longer than six months to do this. It does not expect that this will happen in many instances, but it was explained to me that, nevertheless, that might happen.

It was also explained to me that the computer arrangements are such that it is expected that the council will be able to meet the six-monthly deadline after the next 12 months without any problem. It wants this leeway and, in view of the representations made, it is fair not to impose that difficulty on the council for such a short time.

We must ensure that this suggestion is not taken as a precedent regarding other road traffic offences. I say that now, so that, if the matter arises in future, it cannot be charged that the Opposition accepted this precedent and that it should be widened further. On balance, it is better not to move for the deletion of this clause, and I do not intend to take the matter further.

Clause passed.

Title passed.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 February. Page 2962.)

The Hon. J. A. CARNIE: This Bill is consequential upon the Local Government Act Amendment Bill (No. 2) that we have just passed, and I support the second reading.

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

POLICE OFFENCES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 27 February. Page 2963.)

The Hon. J. C. BURDETT: As with the Bill with which we have just dealt, it is consequential upon the passing of the Local Government Act Amendment Bill (No. 2), that we have just passed, and I support the second reading.

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

INDUSTRIAL PROCEEDINGS RULES OF COURT

Order of the Day, Private Business, No. 19:

The Hon. C. J. Sumner to move:

That the Industrial Proceedings Rules of Court made on 27 June 1978 under the Industrial Conciliation and Arbitration Act, 1972-1975, and laid on the table of this Council on 13 July 1978 be disallowed.

The Hon. C. J. SUMNER: As the Joint Committee on Subordinate Legislation has decided to take no further action to disallow these rules, as shown in the minutes tabled today, I move:

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

PLANNING AND DEVELOPMENT ACT REGULATIONS

Order of the Day, Private Business, No. 20:

The Hon. C. J. SUMNER to move:

That the Regulations made on 6 April 1978, under the Planning and Development Act, 1966-1978, in respect of Rural Land Subdivisions, and laid on the table of this Council on 13 July 1978, be disallowed.

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

That this Order of the Day be read and discharged.

Order of the Day read and discharged.

PROROGATION

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

That the Council at its rising do adjourn until Tuesday 3 April 1979 at 2.15 p.m.

As has been announced today, this is my last day on the front bench. I take this opportunity to thank all the friends that I have in this Chamber and whom I have had for varying periods over the 13 years I have been a member. I apologise to Mrs. Cooper for not having amended the Workers Compensation Act before she came into this Chamber. When I was a back-bencher in this Chamber, there were three Ministers and 16 Opposition members, and Mrs. Cooper was sitting not far from me. At that time she got her ears burnt, and that was the first time she had ever worn earplugs. I did that because I knew what was coming after me, so that her ears would become attuned.

This is not an easy night for me. I express my appreciation to everyone I have worked with for the past 13 years. The Opposition Leader, Mr. DeGaris, was most kind and generous to me today and I thank him. We have worked exceptionally well. Politics being what it is, there are times when we are heated and sometimes when we are on our feet, we lose control of our better judgment. However, I believe that we have always finished up firm comrades, if I might use that expression. I express appreciation to members on my side of the Chamber who have given me such loyal support and encouragement during my term. Members of the Opposition have co-operated with me very well, and I thank them for the confidences we have been able to exchange from time to time. No confidence has in any way been betrayed. I thank them very much for their assistance.

Mr. President, when I entered this Chamber Les Densley was President. We then had Sir Lyell McEwin, and now yourself, Sir, and I would like to say that I appreciate the assistance that each one of the Presidents has given to me.

This Chamber could not function without the clerks at the table, and I express my appreciation to each of them, those who are with us tonight and those who have been here during my term. It was a great acquisition to the decor of the Chamber when we obtained a female clerk, and of course I refer to young Jan, with her smile and the way in which she could keep her husband entertained at home and look after us as well. I thank the clerks for the magnificent job and for the assistance they have given to me and to this Chamber during that period. The messengers, Ted, Don, and the other people have always been at our beck and call and have made things as easy as possible for us. They have always noticed when we needed a drink of water, which has been most helpful from time to time when people were throwing words around and you could obtain a little sip to recover. I thank the messengers very much. Without the help of the library assistants we would have been in trouble, and I thank them.

I understand that Tom O'Connell from *Hansard* will not be here at the next session. I can remember the time when I was training Tom for his present job. On one occasion he was a little bit slow in taking down what I was saying as I was only doing around 260 words a minute and when I saw Tom put his pencil down I knew that he was only up around 245. Tom, thank you very much for your patience and that when you put your pencil down that little bit harder it did not fly this way. The *Hansard* staff have made some beautiful speeches. When I have read them, I have realised what good speakers we are in this Chamber. I can even appreciate speeches that have been made by members opposite when I read *Hansard*. All due credit goes to the *Hansard* staff for the way these speeches have come out.

I express appreciation to my colleagues on the front bench. I do not know whether Brian Chatterton will be the Leader of the House, but tonight I gave him an opportunity to get some experience in that capacity. He came out with flying colours when he cleaned up the Notice Paper. There is no way in the world that I could have cleaned up the Notice Paper in that way had I been here. I believe that it was necessary for Brian to have that experience in case he is standing in my position the next time the Council sits.

What can I say about Tom Casey? Tom has been a magnificent supporter of me in this place. He has carried out his duties very well. He has given good service to the Parliament, and I thank him for his support. Thank you, Tom, for being part of the team. You and I can look forward to a pretty relaxed period for the next 18 months. It will give me much pleasure to look over the shoulders of whoever may be the future Ministers: we will tell them how to run this place. No doubt they will have forgotten how it should be run, but we will remind them how they should do it.

I have appreciated everything that has taken place during my term. It has been rugged and it has been tough at times, but in the final analysis it has been beaut working

with everyone here. I now return to today's effort. The opportunity was there to play politics. Members opposite could have kicked me where it hurts most, but they did not. This, to me, was very much appreciated and I say thank you. It has been lovely working with you and I have enjoyed every minute of it. I have put my heart and soul into the job, and I thoroughly enjoyed it. We have come out friends and that is the main thing.

The Hon. T. M. CASEY (Minister of Lands): I suppose most members know that because ex-Premier Mr. Dunstan has retired, I am now the doyen of the Parliamentary Labor Party in South Australia.

I was elected to Parliament in 1960 and served for 10 years in the Lower House. The remainder of my term has been serviced in this Chamber. I have had considerable experience in both places and I must say that I am very partial to the way in which this Chamber conducts itself in the matter of Parliamentary procedure and how it reviews legislation. I emphasise the word "reviews". Nevertheless, I think it must watch the review situation and not become a House of, say—

The Hon. R. C. DeGaris: Frustration?

The Hon. T. M. CASEY: Not necessarily. I have said in the House of Assembly that I believe in the bicameral system of Parliament, but I do not believe that the Upper House should have the power itself. I leave it at that. I enjoyed my stay on the front bench as Minister of Agriculture. I had many debates with a former Minister on the Liberal Party side, the Hon. Ross Story, and I enjoyed those encounters. Since I have been Minister of Lands and Minister of Tourism, Recreation and Sport, not many people have found grounds on which to question those portfolios, because they have been administered very well. By and large, my term in this Parliament has been very pleasing: I have enjoyed it.

I want to thank the *Hansard* staff and endorse the remarks of my Leader, the Hon. Don Banfield: they edit our speeches to the extent that, when we read them, we think we are Bernard G. Shaw, or someone like that. I compliment *Hansard* on how it reports our speeches, and I know that many members in this and the other Chamber like to send their speeches to constituents and say, "This is what I said."

I thank the messengers also. Ted is an old schoolmate of mine. He was called the Don Bradman of Port Augusta, and not many people know that. When he came to Adelaide and went to a school called Rostrevor, I was pleased to be playing in the first eleven team with him. He was a damn fine batsman.

The PRESIDENT: He's still batting very well.

The Hon. T. M. CASEY: Yes. It is unfortunate that he did not continue in cricket, because he would have made a very good cricketer. Probably he could have made the State side and been a Sheffield Shield cricketer. To all the messengers and staff of Parliament House, I say that, since I have been a Minister, everything has been done promptly. I thank the staff very much for the service they have rendered to me since I have been in the Ministry. I must say that I have always experienced co-operation and dedication from my colleagues on this side.

I have always believed in the principles of the Labor Party and I still believe in them. I believe sincerely that the Labor Party will go on to better things. With a change in the Ministry, we will get younger people on the front bench, and I know that they will do a good job.

Regarding the Opposition, we have had disagreements but we have had them in this Chamber. When we have gone outside, we have been human beings, if I may use that expression, and we can fraternise and leave our disagreements in this Chamber. I thank the Opposition for that.

I thank you for your tolerance, Mr. President. Since you have been President, you have done an excellent job. It has been difficult for you and I think that sometimes you have been put in an invidious position. Nevertheless, you have proved that you are the President that everyone expected you to be.

I thank everyone concerned and assure you that, whilst it is a sad day for Don Banfield and me to come to this situation where we will not be on the front bench during the next session, we have enjoyed the experience. Not many people get the opportunity to serve as Ministers of the Crown in Parliament. We appreciate that and probably think to ourselves that it is an ambition that many people would like to achieve during their lifetime. We are very fortunate to have had the opportunity to serve the Parliament and the people of South Australia.

The Hon. R. C. DeGARIS (Leader of the Opposition): Perhaps I should begin by expressing the regret of Liberal members in this Chamber at the retirement of the Minister of Health and also of the Minister of Lands, who is also Minister of Tourism, Recreation and Sport. We have been in this Chamber through a period of having three Government Leaders on the opposite side, and I hope I will be the fourth. As far as Mr. Banfield and his predecessors in that position (Mr. Shard and Mr. Kneebone) are concerned, good relationships have existed amongst us. I do not think there has ever been any real disagreement on any point, except for argument across the Chamber.

I think the argument has been kept off a personal level. It has always been advanced on matters of policy or points of view. I do not think that in a Parliament there is anything worse than to see strong personal conflict. As long as we can continue arguing the actual point at issue, we will have established something that is most important in any Parliamentary system.

I thank Don Banfield for the co-operation that he has given not just to me but to the Opposition generally. He has said that sometimes people get heated and that there is a lack of control among members. I understand that he was, of course, speaking for the members of his own Party, as I have not known that sort of thing to occur on this side of the Chamber!

I now refer to the Hon. Tom Casey. We have had at different times in the Council many honourable members who have had the habit of using certain phrases. One honourable member used always to say, "On the other hand." I thought that one honourable member (my Deputy) had three hands at one stage tonight! Certainly, we will miss Tom Casey's constant reminders that honourable members "cannot have it both ways". The relationship between Tom Casey and the Opposition has always been a warm one, and I appreciate the remarks that he made regarding the Council. However, I disagree on one point: I do not think that the powers are quite strong enough.

I also congratulate and thank the Clerks at the table, as well as the messengers, for the service that they have given to members. I refer also the *Hansard* staff and all the other staff of Parliament House. Every honourable member would recognise that we are extremely well served by staff members, be they from the library of any other part of the House.

I make again a plea that I have made previously. I have applied to the Government for many years for research assistance to be supplied to the Opposition. It is extremely difficult in a period when there is difficult legislation

before the Council to do the job thoroughly without this sort of help. In this respect, I extend congratulations to Opposition members who have worked extremely well this session, during which much difficult legislation has been introduced. It is, however, unfortunate that the Opposition in the Council does not have research assistance available to it.

I also congratulate you, Mr. President, on the fine job that you have done in the Chair. You have indeed had a difficult job to do as President in a Council with equal numbers, although this evening you were assisted by several of my colleagues whom I could not control. The work that has been done by the Opposition this session is worthy of note.

On behalf of the Liberal Party, I extend best wishes to two staff members who are retiring. I refer to Tom O'Connell of *Hansard* and to Les Martin, the caretaker, both of whom have served the Parliament extremely well.

Once again, I extend to Tom Casey and Don Banfield best wishes from the front bench in their retirement. I congratulate them on the service that they have given, and thank them for their ready co-operation with the Liberal Party whenever co-operation has been required.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I wish to speak only briefly. I should like to record my appreciation and gratitude to my two colleagues, Don Banfield and Tom Casey, Minister of Health and Minister of Lands respectively. We have worked well together on the front bench. Undoubtedly, they will both feel somewhat sad about retiring. However, that sadness can be tempered by the fact that they will be able to look back over their terms as Ministers, during which they did a good job. Certainly, their efforts have been widely appreciated in the community.

I should like to record my gratitude for the help and assistance that they have both given me as the junior member of the Government front bench. They have given me much help many times, for which I sincerely thank them. Apropos what the Minister of Health said, I think that the work that I have been doing on legislation tonight has proved to me that I do not want the job!

The Hon. C. M. HILL: I have not spoken previously to the motion moved on prorogation night because, of course, my Leader speaks for all Opposition members in the Council. However, I feel that the warmth of feeling on the part of Opposition members towards the two Ministers who are retiring from their roles as Ministers in the Council is such that it would be appropriate if I supported what Ren DeGaris has said and emphasised the appreciation that we all have for the service that Don Banfield and Tom Casey have given as Ministers.

I was interested to hear Don Banfield talk about the Hon. Mrs. Cooper's ears being scorched somewhat when she first arrived in this place. When I first became a member I sat in the seat now occupied by the Hon. Miss Levy. Being in that position, I frequently experienced a barrage from very vocal back-bench members like Don Banfield. I was then and always have been impressed by Don, who is a clever and skilled debater. I compliment him in that regard.

I have also respected Don Banfield for his forthrightness and political honesty. Whatever he has said, he has carried out, and that, together with his sincerity and the genuine manner in which he has performed his task as the senior Minister in and Leader of the Council, places him alongside the former members who have occupied that seat in my time, namely, Sir Lyell McEwin, Bert Shard, Ren DeGaris, and Frank Kneebone. Don takes his place alongside those gentlemen, who have fulfilled their roles and occupied that seat with distinction. Don Banfield can, I am sure, leave it with the assurance from members on both sides of the Council that he has been an extremely good Leader.

Regarding Tom Casey, I should like to place on record that he has always been most co-operative. Tom is an extremely likeable member and, in his work as a Minister, Opposition members acknowledge that he has been extremely conscientious. We have certainly admired the work that he has done as Minister during the time that he has been on the front bench.

Just as Don Banfield has held his portfolio with distinction, so, too, has Tom Casey maintained high standards that have been in keeping with the traditions of the Ministerial bench in the Council.

Personally, I say to both Don Banfield and Tom Casey that I look on both of them as friends and that I have always enjoyed my association with them. I know that our friendship and feeling for each other will continue between us for all time.

The PRESIDENT: I should like to take this opportunity to say something about these two honourable gentlemen, who have served this Council and South Australia with distinction. It must have been a great joy, when they were somewhat younger, to have been promoted to one of the highest positions that can be attained in this State and to serve as Ministers of the Crown. In expressing my full appreciation for their service, I should like to state that their efforts will not be forgotten.

I have found them not only capable in debate but also most courteous and helpful as Ministers in varying portfolios over the years. Outside this Council, both these gentlemen will always be remembered for their courtesy by people who had business to conduct in their departments. On behalf of the people of South Australia I thank them for the role they played as Ministers. They have been very helpful to me in this Council. I can well remember that not long after I became a member of this Council I made some copious notes. I am not very good at making notes, and I am worse still at sorting them out. On that occasion the Hon. Mr. Banfield left his seat and came to help me sort out my notes. It was a wonderful gesture. However, by the time the Hon. Mr. Banfield had sorted out my notes, they were no good to me, because I had passed the point where I needed them. We thank both these gentlemen for their many kind gestures.

If the Premier does not intend to have an election until 1981, perhaps he could have delayed the departure of these two gentlemen from the Ministry for another 12 months. I endorse the remarks of the Hon. Mr. DeGaris and the Hon. Mr. Hill. We wish the two Ministers well in their back-bench role. I am not too sure whether they should sit immediately behind the new colts, because these two Ministers may be apt to prompt them. We thank them very much for their role in this Council and for their co-operation.

This is Tom O'Connell's last evening in the *Hansard* gallery. Tom has reported Parliamentary debates and taken evidence at committee meetings for many years and in many places. I had the privilege of travelling with Tom on an outback trip. He is a good reporter and a fine fellow, and he will be missed from the *Hansard* staff.

The Hon. T. M. Casey: Tom was a good cricketer, too.

The PRESIDENT: Yes. We wish Tom all the best in his retirement, and we hope to see him from time to time. I thank my four clerks for the wonderful guidance that they have given me during my first 12 months as President. Without such excellent guidance I could not have made

the grade. I deeply appreciate the extra work that my lack of knowledge created for them. On behalf of all honourable members, I convey our thanks to the wonderful staff we have in Parliament House.

Motion carried.

ADJOURNMENT

At 5.1 a.m. the Council adjourned until Tuesday 3 April at 2.15 p.m.